

**INDIANA CODE SECTIONS
AMENDED OR REPEALED BY PD 3217, THE FIRST DRAFT OF
THE 2012 TECHNICAL CORRECTIONS BILL**

(1) AMENDMENTS TO CODE SECTIONS AND CODE SECTIONS ADDED:

<u>SEC.</u>	<u>IC §</u>	<u>Page</u>	<u>Reason for Amendment or Addition:</u>	<u>Effective date:</u>	<u>Person who brought the problem to OCR's attention or with whom OCR consulted:</u>
1.	1-1-1.1-14		Striking references in a Code section that preserves noncode SECTIONS from repeal. IC 1-1-1.1-1 and IC 1-1-1.1-2, as added to the Code in 2011, generally repealed all noncode statutes that were enacted after the 1984 legislative session and before the 2010 legislative session. IC 1-1-1.1-14 sets forth a list of certain noncode statutes that were excepted from this general repeal. The statute referred to in IC 1-1-1.1-14's subdivision (12) is: "(12) P.L.146-2008, SECTION 857 (appropriating money to the department of education from the state general fund to make certain distributions)." The noncode statute referred to in subdivision (12) should no longer be included in the list in IC 1-1-1.1-14 because it was repealed by P.L.182-2009, SECTION 461, effective January 1, 2010. This SECTION amends IC 1-1-1.1-14 by striking its subdivision (12). Another of the noncode statutes referred to in IC 1-1-1.1-14 is "P.L.182-2009, SECTION 38", which is referred to in subdivision (2) of IC 1-1-1.1-14. This noncode statute has expired by its own terms: "(b) This SECTION expires June 30, 2011." Because P.L.182-2009, SECTION 38, has expired, this SECTION also amends subdivision (2) of IC 1-1-1.1-14 by striking its reference to "P.L.182-2009, SECTION 38."	Upon passage	
2.	2-1-9-2		Updating references not updated in 2011. In 2011, HEA 1601 [P.L.214-2011] repealed IC 2-1-10 and IC 2-1-11 (the chapters defining the house and senate legislative districts, respectively, according to the 2001 plan) and added to the Code IC 2-1-12 and IC 2-1-13 (the chapters defining the house and senate legislative districts, respectively, according to the 2011 plan). HEA 1601 also amended a number of Code sections by striking their references to "IC 2-1-10" and "IC 2-1-11" and replacing those references with "IC 2-1-12" and "IC 2-1-13". IC 2-1-9-2, a section of the chapter on " General Provisions Relating to Establishing Legislative Districts", was not amended in 2011 and still contains references to "IC 2-1-10" and "IC 2-1-11". IC 2-1-9-2 was apparently overlooked in 2011 when the references to "IC 2-1-10" and "IC 2-1-11" were being stricken and replaced with "IC 2-1-12" and "IC 2-1-13". This SECTION amends IC 2-1-9-2 by replacing its references to "IC 2-1-10" and "IC 2-1-11" with "IC 2-1-12" and "IC 2-1-13".	Upon passage	Bob Rudolph, LSA attorney
3.	2-1-9-13		Incorrect statutory reference. In IC 2-1-9-13, as added by HEA 1601 [P.L.214-2011], subsection (a) defines "redistricting act" as "any act that	Upon passage	Bob Rudolph, LSA attorney

		enacted IC 2-1-12, <u>IC 2-13-13</u> , or both of those statutes." The reference to "IC 2-13-13" cannot be right because there is no such chapter in the Indiana Code. However, there is a chapter numbered IC 2-1-13. IC 2-1-12 and IC 2-1-13 are the chapters defining the house and senate districts, respectively, according to the 2011 redistricting plan. IC 2-1-12 and IC 2-1-13 were both enacted by HEA 1601, the same act that added IC 2-1-9-13 to the Code. This SECTION amends IC 2-1-9-13(a) so as to replace "IC 2-13-13" with " <u>IC 2-1-13</u> ".		[brought problem to OCR's attention]
4.	2-5-1.2-1	Eliminating references to repealed Code sections. Subsection (b) of IC 2-5-1.2-1 lists commissions, committees, and other entities to which the chapter IC 2-5-1.2 does not apply. Subdivision (2) of subsection (b) reads: "The public officers compensation advisory commission (<u>IC 2-5-1.5</u>)."	Upon passage	
		But the chapter IC 2-5-1.5 was repealed in 2011. Subsection (16) of subsection (b) reads: "The joint study committee on mass transit and transportation alternatives (<u>IC 2-5-28</u>)."		
		But the chapter IC 2-5-28 was repealed in 2011 and the Code no longer contains any other reference to the "joint study committee on mass transit and transportation alternatives". This SECTION amends IC 2-5-1.2-1 by striking subsection (b)(2) and subsection (b)(16).		
5.	2-5-31.4	Three bills in the 2011 Legislative session added the Criminal Law and Sentencing Policy Study Committee. Two of those cites are repealed to remove the duplications. The Committee is retained at IC 2-5-33.4		
6.	2-5-31.9-2	Incorrect subdivision reference. Subsection (b) of IC 2-5-31.9-2, as added to the Code by SEA 340 [P.L.104-2011], establishes a special qualification for certain members of the charity gaming study committee. This qualification applies to each member of the committee who meets two conditions, as set forth in the two subdivisions of IC 2-5-31.9-2(b): (1) is not a member of the general assembly; and (2) "is not ... appointed under subsection (a)(11)". This reference to subsection (a)(11) cannot be right because subsection (a)(11) provides for the appointment of a committee member "who is <u>not</u> a member of the general assembly". Thus, if the reference to subsection (a)(11) were right, the second condition -- " <u>not</u> a member of the general assembly" -- would be redundant. This SECTION amends IC 2-5-31.9-2(b)(2) to replace "not appointed under subsection (a)(11)" with "not appointed under subsection (a)(<u>13</u>)".	Upon passage	Roscoe Hooten, LSA attorney [brought problem to OCR's attention]
7.	2-5-32.5	Three bills in the 2011 Legislative session added the Criminal Law and Sentencing Policy Study Committee. Two of those cites are repealed to remove the duplications. The Committee is retained at IC 2-5-33.4		
8.	2-5-33.4-0.5	Adding a definition of "committee". The chapter IC 2-5-33.4 establishes the	Upon passage	Tim Tyler,

criminal law and sentencing policy study committee. The word "committee" is used several times in the sections of the chapter, but there is no definition of "committee" for purposes of the chapter. This SECTION adds a new IC 2-5-33.4-0.5 to define "committee" for the purposes of IC 2-5-33.4 as the criminal law and sentencing policy study committee.

LSA attorney
[brought problem to
OCR's attention]

- | | | | |
|-----|-----------|--|--------------|
| 9. | 3-10-1-19 | Conflict resolution. IC 3-10-1-19 was amended in different ways by three 2011 acts, HEA 1074 [P.L.179-2011], HEA 1190 [P.L.190-2011], and HEA 1266 [P.L.201-2011]. Consequently, the Indiana Code now contains three versions of IC 3-10-1-19. The three versions are technically and substantively compatible, so this SECTION merges the three versions so that the Indiana Code will again contain only one version of IC 3-10-1-19. Please note that in one instance this SECTION goes beyond the mere merging of the three versions of IC 3-10-1-19. In the subsection that was formerly designated "(d)" but is now being re-designated as "(g)", further change was needed. Because HEA 1074 struck subdivision (1) of the subsection and HEA 1190 struck subdivision (3) of the subsection, merely merging the three versions would have produced a subsection including tabulation in which there was only one subdivision: "(2) Other local offices to be elected at the primary election." To avoid having an instance of tabulation in which there is only a single tabulated element, this SECTION strikes what would be the only subdivision and revises the text of the subsection preceding the tabulation to read as follows: "The <u>local</u> offices <u>to be elected at the primary election</u> shall be placed on the primary election ballot after the offices described . . . " | Upon passage |
| 10. | 3-11-2-12 | Conflict resolution. IC 3-11-2-12 was amended in different ways by two 2011 acts, HEA 1190 [P.L.190-2011] and HEA 1266 [P.L.201-2011]. Consequently, the Indiana Code now contains two versions of IC 3-11-2-12. The two versions are technically and substantively compatible, so this SECTION merges the two versions so that the Indiana Code will again contain only one version of IC 3-11-2-12. | Upon passage |
| 11. | 4-6-9.1-6 | Incorrect section reference. IC 4-6-9.1-6 requires that civil penalties "collected under section 6 of this chapter" be deposited in the state general fund. This reference cannot be right because IC 4-6-9.1-6, the section in which the "section 6" reference appears, is <i>itself</i> "section 6 of (the) chapter". Rather than section 6, it is <u>section 5</u> of the chapter (IC 4-6-9.1-5) that specifically provides for collection of civil penalties. IC 4-6-9.1-5 reads in pertinent part: "If an investigation by the attorney general results in a finding of price gouging, the attorney general may bring an action . . . (and) the court may assess a civil penalty against the retailer. The civil penalty may not be more than one thousand dollars (\$1,000) per transaction." This SECTION amends IC 4-6-9.1-6 to replace the reference to "section 6 of this chapter" with " <u>section 5</u> of this chapter". | Upon passage |

- | | | | |
|-----|------------|---|--------------|
| 12. | 4-12-4-9 | <p>Conflict resolution. IC 4-12-4-9 was amended in different ways by two 2011 acts, HEA 1233 [P.L.197-2011] and HEA 1001 [P.L.229-2011]. Consequently, the Indiana Code now contains two versions of IC 4-12-4-9. We believe that the two versions are technically and substantively compatible, but WE WISH TO BRING THIS SECTION TO THE COMMISSION'S ATTENTION to determine whether the Commission approves of the proposed resolution of the IC 4-12-4-9 conflict. Before 2011, IC 4-12-4-9 authorized the Indiana tobacco use prevention and cessation executive board to do certain things. In 2011, HEA 1233 amended IC 4-12-4-9 to grant the Indiana tobacco use prevention and cessation executive board one additional power. However, HEA 1001 amended IC 4-12-4-9 <i>so as to abolish the Indiana tobacco use prevention and cessation executive board and transfer its assets, obligations, powers, and duties to the state department of health</i>. Merging the HEA 1233 version of IC 4-12-4-9 with the HEA 1001 version of IC 4-12-4-9 will, in effect, take the additional power that HEA 1233 granted to the Indiana tobacco use prevention and cessation executive board and give it over to the state department of health, which is something that the General Assembly presumably did not have in mind in enacting HEA 1233. However, since HEA 1001 specifically provided for <u>all</u> of the Indiana tobacco use prevention and cessation executive board's powers to be transferred to the state department of health, it seems logical to assume that merging the HEA 1233 version of IC 4-12-4-9 with the HEA 1001 version of IC 4-12-4-9 -- and thereby transferring the new power established by HEA 1233 to the state department of health -- is consistent with the General Assembly's overall intent in enacting HEA 1233 and HEA 1001.</p> | Upon passage |
| 13. | 4-21.5-3-1 | <p>Correcting subsection references. As amended in 2011 by SEA 67 [P.L.32-2011], IC 4-21.5-3-1 contains two subsections, subsections (b) and (c), that concern <i>the method</i> by which notices , rulings, and other papers may be served in administrative proceedings. Subsection (b) provides that -- except as provided in subsection (c) -- service may be by U.S. mail, personal service, electronic mail, or any other method allowed by the Indiana Rules of Trial Procedure. Subsection (c), on the other hand, provides that certain notices, petitions, and complaints may be served <u>only</u> by U.S. mail or personal service. Subsection (e) of IC 4-21.5-3-1 identifies <i>the person</i> upon whom service must be made, including the individual who must be served if service is to be effective against an "ultimate authority" consisting of multiple individuals. Subdivision (1) of IC 4-21.5-3-1's subsection (h) provides that the "filing" of a document with a local authority is complete on "(the) date on which the document is delivered to the ultimate authority under subsection (b), (c), or e." There are two problems in this reference to subsections in subsection (h)(1). First, a document would be served under either subsection (b) or subsection (c), which would determine the method of service, but it would <u>also</u> be served under subsection (e), which would dictate <i>the person</i> upon whom service of the document would be made. Second, in the reference to subsection (e), the "e"</p> | Upon passage |

is not enclosed within parentheses. This SECTION amends IC 4-21.5-3-1(h) by changing "subsection (b), (c), or e" into "subsection (b) or (c) and subsection (e)."

14.	4-32.2-2-29.5	Incorrect section reference. In subdivision (2) of IC 4-32.2-2-29.5, as added to the Code by SEA 340 [P.L.104-2011], a "volunteer ticket agent" is described as a person who is acting on behalf of a qualified organization and who "sells tickets to an allowable event held under a license issued under ... IC 4-32.2-10". This reference to "IC 4-32.2-10" cannot be right. There <i>is</i> a chapter IC 4-32.2-10 in the Code, but it concerns the gaming card excise tax, not the issuance of licenses to volunteer ticket agents. This SECTION amends IC 4-32.2-2-29.5 by replacing the reference to IC 4-32.2-10 with "IC 4-32.2-4-10". The section IC 4-32.2-4-10 concerns the issuance of "a door prize license" to a qualified organization for a one door prize event.	Upon passage	Roscoe Hooten, LSA attorney [brought problem to OCR's attention]
15.	4-33-23-8	Extraneous word. IC 4-33-23-8, as added by SEA 325 [P.L.82-2011], sets forth a statement that must be included in every "development agreement" between a person and a unit of government. The statement states: "All parties to this agreement recognize the authority of the Indiana gaming commission ... to verify and ensure <u>that</u> compliance with the purposes of the agreement ..." The word "that" in the portion of the statement quoted here serves no purpose and must have been included by error. This SECTION amends IC 4-33-23-8 by striking "that".	Upon passage	Roscoe Hooten, LSA attorney [brought problem to OCR's attention]
16.	4-33-23-11	Definite article called for. Subsection (c) of IC 4-33-23-11, as added by SEA 325 [P.L.82-2011], reads in part as follows: "A specified recipient who disburses part or all of an economic development payment to an unspecified recipient has a duty to ensure that the expenditures made by <u>an</u> unspecified recipient ..." Because the sentence has already referred to "an unspecified recipient", the second mention of "unspecified recipient" should be precede by the definite article, "the". (The second mention presumably refers to the same unspecified recipient who is referred to earlier in the sentence.) This SECTION amends IC 4-33-23-11(c) by replacing "an" with " <u>the</u> ".	Upon passage	Roscoe Hooten, LSA attorney [brought problem to OCR's attention]
17.	4-33-23-11	Definite article called for. Subsection (a) of IC 4-33-23-11, as added by SEA 325 [P.L.82-2011], reads in part as follows: "If all parties to a development agreement agree to modify <u>a</u> development agreement ..." Because the sentence has already referred to "a development agreement", the second mention of "development agreement" should be precede by the definite article, "the". (The second mention presumably refers to the same development agreement that is referred to earlier in the sentence.) This SECTION amends IC 4-33-23-11(c) by replacing "a" with " <u>the</u> ".	Upon passage	Roscoe Hooten, LSA attorney [brought problem to OCR's attention]

18.	5-10-5.5-1	<p>Conflict resolution and revision reflecting establishment of new board.</p> <p>IC 5-10.5-3-1 was amended in 2011 by two acts, SEA 76 [P.L.16-2011] and SEA 549 [P.L.23-2011]. Consequently, the Indiana Code now contains not one but two versions of IC 5-10.5-3-1. The two versions are substantively and technically compatible, so this SECTION merges the two versions into one so that the Indiana Code can again contain only a single version of IC 5-10.5-3-1. This SECTION also makes a second change in IC 5-10.5-3-1. SEA 76 amended the former subsection "(i)" of IC 5-10.5-3-1 (which is being re-designated as subdivision "(10)") to read in part: "rate of interest specified by rule by <u>the board of trustees of the public employees' retirement fund.</u>" However, SEA 549 eliminated the separate board of trustees of the public employees' retirement fund and replaced it with a unified board of trustees that manages and administers all of the pension and retirement funds of the Indiana public retirement system. Because the separate board of the public employees' retirement fund has been eliminated and because the law specifically provides for the replacement of the PERF board by the board of trustees of the Indiana public retirement system, this SECTION changes subdivision (10) to read: "rate of interest specified by rule by the board of trustees of <u>the Indiana public retirement system established by IC 5-10.5-3-1.</u>"</p>	Upon passage	
19.	5-10-8-6.7	<p>Omitted word. Subsection (c)(3)(B) of IC 5-10-8-6.7 reads in pertinent part as follows: "an active or retired school corporation or charter <u>school</u> employee shall pay for the coverage provided to the active or retired school corporation or charter employee". The word "school" is missing from the place between "charter" and "employee" at the end of the quoted text. This SECTION amends IC 5-10-8-6.7 to insert "school" into this place.</p>	Upon passage	
20.	5-10.2-2-6	<p>Conflict resolution. IC 5-10.2-2-6 was amended in 2011 by three acts, SEA 12 [P.L.13-2011], SEA 524 [P.L.22-2011], and SEA 549 [P.L.23-2011]. Consequently, the Indiana Code now contains not one but three versions of IC 5-10.2-2-6. The three versions are substantively and technically compatible, so this SECTION merges the three versions into one so that the Indiana Code can again contain only a single version of IC 5-10.2-2-6.</p>	Upon passage	
21.	5-10.3-11-0.3	<p>In 2011 the text of P.L.146-2008, SECTION 840, was codified as IC 5-10.3-11-0.3. However, it has come to light that P.L.146-2008, SECTIONS 840, had been amended by another noncode statute, P.L.182-2009(ss), SECTION 497. Consequently, the text codified as IC 5-10.3-11-0.3 does not represent the latest enactment by the General Assembly. Moreover, the amending noncode statute, P.L.182-2009(ss), SECTION 497, has expired by its own terms: "(c) This SECTION expires January 1, 2011." This SECTION simply repeals IC 5-10.3-11-0.3.</p>	Upon passage	
22.	5-10.3-12-21	<p>Incorrect section reference. Subsection (c) of IC 5-10.3-12-21 refers to "rollover contributions under section <u>30</u> of this chapter". But it is section 29 of the chapter</p>	Upon passage	Peggy Piety, LSA attorney

		(IC 5-10.3-12-29), not section 30, that authorizes rollover contributions. This SECTION amends IC 5-10.3-12-21(c) by replacing "section 30 of this chapter" with "section <u>29</u> of this chapter".		[brought problem to OCR's attention]
23.	5-10.3-12-22	Incorrect reference to defined term. Subsection (a) of IC 5-10.3-12-22 refers to "the guaranteed fund (as defined in IC 5-10.2-2-3)". However, the term that is defined in IC 5-10.2-2-3 and that fits within the context of IC 5-10.3-12-22(a) is not guaranteed fund but guaranteed <u>program</u> . This SECTION amends IC 5-10.3-12-22(a) by replacing "guaranteed fund" with "guaranteed program".	Upon passage	Peggy Piety, LSA attorney [brought problem to OCR's attention]
24.	5-10.3-12-25	Extraneous word. Subsection (e) of IC 5-10.3-12-25 contains the following: "forfeited as of the date <u>of</u> the member separates from service." The word "of" in this text is out of place and serves no purpose. This SECTION amends IC 5-10.3-12-25(e) by removing the word "of".	Upon passage	Peggy Piety, LSA attorney [brought problem to OCR's attention]
25.	5-10.3-12-26	Extraneous word. Subsection (b) of IC 5-10.3-12-26 consists of a single sentence tabulated in the "sentence" style. The sentence includes three subdivisions, and the line preceding the subdivisions reads " ... withdrawals paid <u>as</u> :". Because the line preceding the subdivisions ends with "as", there is no need for any of the subdivisions to begin with "as". However, subdivision (3) begins with a prepositional phrase ("if the member has attained normal retirement age,") and the text that follows reads: " <u>as</u> a monthly annuity ..." This "as" in subdivision (3) is out of place and serves no purpose. This SECTION amends IC 5-10.3-12-26(b)(3) by removing the word "as".	Upon passage	Peggy Piety, LSA attorney [brought problem to OCR's attention]
26.	5-10.3-12-30	Eliminating singular possessive. Subsection (a) of IC 5-10.3-12-30 includes the following: "federal law limitations concerning ... the <u>member's</u> furnishing proof of the member's qualification for Social Security". The first instance of the singular possessive "member's" in this text is out of place. This SECTION amends IC 5-10.3-12-30(a) to replace "the member's furnishing proof" with "the <u>member</u> furnishing proof".	Upon passage	Peggy Piety, LSA attorney [brought problem to OCR's attention]
27.	5-16-1-1.5	Conflict resolution. IC 5-16-1-1.5 was amended in 2011 by two acts, HEA 1004 [P.L.172-2011] and HEA 1001 [P.L.229-2011]. Consequently, the Indiana Code now contains not one but two versions of IC 5-16-1-1.5. The two versions are substantively and technically compatible, so this SECTION merges the two versions into one so that the Indiana Code can again contain only a single version of IC 5-16-1-1.5.	Upon passage	
28.	5-20-1-4	Slight reorganization of words. Subsection (a)(33) of IC 5-20-1-4 authorizes the Indiana housing and community development authority to prescribe the documents that must be included in a "debtor's loss mitigation package". Subsection (a)(33) authorizes the authority: "to prescribe, in accordance with	Upon passage	Sarah Burkman, LSA attorney [brought problem to OCR's attention]

IC 32-30-10.5-10(i), a list of documents that must be included as part of a debtor's loss mitigation package in a foreclosure action filed under IC 32-30-10.5 after June 30, 2011". These words appear to be slightly out of order because a foreclosure action would not be "filed under IC 32-30-10.5". The chapter IC 32-30-10.5 is about foreclosure *prevention*, not foreclosure actions. This SECTION amends IC 5-20-1-4 by reorganizing the words of subsection (a)(33), making subsection (a)(33) read as follows: "to prescribe, in accordance with IC 32-30-10.5-10(i), a list of documents that must be included under IC 32-30-10.5 as part of a debtor's loss mitigation package in a foreclosure action filed after June 30, 2011".

- | | | | | |
|-----|--------------|---|--------------|---|
| 29. | 5-28-6-1 | Conflict resolution. IC 5-28-6-1 was amended in 2011 by two acts, HEA 1006 [P.L.114-2011] and HEA 1004 [P.L.172-2011]. Consequently, the Indiana Code now contains not one but two versions of IC 5-28-6-1. The two versions are substantively and technically compatible, so this SECTION merges the two versions into one so that the Indiana Code can again contain only a single version of IC 5-28-6-1. | Upon passage | |
| 30. | 5-28-6-2 | Conflict resolution. IC 5-28-6-2 was amended in 2011 by two acts, HEA 1006 [P.L.114-2011] and HEA 1004 [P.L.172-2011]. Consequently, the Indiana Code now contains not one but two versions of IC 5-28-6-2. The two versions are substantively and technically compatible, so this SECTION merges the two versions into one so that the Indiana Code can again contain only a single version of IC 5-28-6-2. | Upon passage | |
| 31. | 5-30-8-6 | Correcting subsection reference. Before 2011, IC 5-30-8-6 referred to "the time periods set forth in IC 5-16-7-1(f) and IC 5-16-7-1(g)". IC 5-16-7-1 was amended in 2011 and its subsections were altered; the former subsections (f) and (g) were re-designated as subsections "(h)" and "(i)". The reference in IC 5-30-8-6 to the subsections of IC 5-16-7-1 setting forth time periods was amended accordingly, but not correctly. This SECTION amends IC 5-30-8-6 by replacing its reference to "the time periods set forth in IC 5-16-7-1(g) and IC 5-16-7-1(h)" with "the time periods set forth in IC 5-16-7-1(<u>h</u>) and IC 5-16-7-1(<u>i</u>)". | Upon passage | Susan Kennell,
LSA attorney
[brought problem to
OCR's attention] |
| 32. | 6-1.1-12.1-4 | Recognizing that percentage is not prescribed. IC 6-1.1-12.1-4(a)(2) provides that the amount of the property tax deduction that a property owner is entitled to for the rehabilitation or redevelopment of real property in an economic revitalization area may be determined according to "(the) percentage <u>prescribed</u> by (IC 6-1.1-12.1-7) if the designating body elects to use the method set forth in (IC 6-1.1-12.1-7)." However, strictly speaking, IC 6-1.1-12.1-7 does not prescribe a certain percentage or set forth a certain method. Rather, IC 6-1.1-12.1-7 authorizes a designating body to provide to a business established in or relocating to a revitalization area an <u>alternative abatement schedule</u> that will specify the percentage amount of the deduction for each year. To make IC 6-1.1-12.1-4(a)(2) | Upon passage | Roscoe Hooten,
LSA attorney
[brought problem to
OCR's attention] |

consistent with the terms of IC 6-1.1-12.1-7, this SECTION amends IC 6-1.1-12.1-4(a)(2) to make it provide that the amount of the property tax deduction a property owner is entitled to is "determined under an alternative abatement schedule provided under (IC 6-1.1-12.1-7)."

- | | | | | |
|-----|----------------|---|--------------|---|
| 33. | 6-1.1-12.1-4.5 | <p>Recognizing that percentage is not prescribed. IC 6-1.1-12.1-4.5(d) refers to the amount of the property tax deduction that a property owner is entitled to for the rehabilitation or redevelopment of real property in an economic revitalization area being determined by the designating body's election "to use the method set forth in (IC 6-1.1-12.1-7) to calculate the deduction." However, strictly speaking, IC 6-1.1-12.1-7 does not set forth a certain method for calculating the deduction. Rather, IC 6-1.1-12.1-7 authorizes the designating body to provide to a business established in or relocating to a revitalization area an <u>alternative abatement schedule</u> that will specify the percentage amount of the deduction for each year. To make IC 6-1.1-12.1-4.5(d) consistent with the terms of IC 6-1.1-12.1-7, this SECTION amends IC 6-1.1-12.1-4.5(d) to make it refer to the amount of the property tax deduction as being determined by the designating body's election "to use an alternative abatement schedule provided under (IC 6-1.1-12.1-7)."</p> | Upon passage | <p>Roscoe Hooten,
LSA attorney
[brought problem to
OCR's attention]</p> |
| 34. | 6-1.1-15-17 | <p>Duplicate section numbers. Two entirely different sections were added to the Code in 2011 as "IC 6-1.1-15-17". Consequently, the Indiana Code now contains two versions of IC 6-1.1-15-17. The two versions, which were added by HEA 1004 [P.L.172-2011] and SEA 490 [P.L.220-2011], are entirely different in content. In order to give each version of IC 6-1.1-15-17 its own place in the Code, this draft repeals both versions of IC 6-1.1-15-17 and adds the content of the two version back into the Code as new sections "IC 6-1.1-15-<u>17.2</u>" (the HEA 1004 version) and "IC 6-1.1-15-<u>17.4</u>" (the SEA 490 version). This SECTION repeals the version of IC 6-1.1-15-17 that was added by HEA 1004. [Note: The legislative services agency is proposing that, beginning with bills prepared for the 2012 legislative session, the repeal of a single section will be carried out in the repealing bill by setting forth the entire text of the section in stricken type instead of by simply identifying the section in a "repealer" SECTION as a section that is being repealed.]</p> | Upon passage | |
| 35. | 6-1.1-15-17 | <p>Duplicate section numbers. Two entirely different sections were added to the Code in 2011 as "IC 6-1.1-15-17". Consequently, the Indiana Code now contains two versions of IC 6-1.1-15-17. The two versions, which were added by HEA 1004 [P.L.172-2011] and SEA 490 [P.L.220-2011], are entirely different in content. In order to give each version of "IC 6-1.1-15-17" its own place in the Code, this draft repeals both versions of IC 6-1.1-15-17 and adds the content of the two version back into the Code as new sections "IC 6-1.1-15-<u>17.2</u>" (the HEA 1004 version) and "IC 6-1.1-15-<u>17.4</u>" (the SEA 490 version). This SECTION repeals the version of IC 6-1.1-15-17 that was added by SEA 490.</p> | Upon passage | |

36.	6-1.1-15-17.2	Duplicate section numbers. Two entirely different sections were added to the Code in 2011 as "IC 6-1.1-15-17". Consequently, the Indiana Code now contains two versions of IC 6-1.1-15-17. The two versions, which were added by HEA 1004 [P.L.172-2011] and SEA 490 [P.L.220-2011], are entirely different in content. In order to give each version of IC 6-1.1-15-17 its own place in the Code, this draft repeals both versions of IC 6-1.1-15-17 and adds the content of the two version back into the Code as new sections "IC 6-1.1-15- <u>17.2</u> " (the HEA 1004 version) and "IC 6-1.1-15- <u>17.4</u> " (the SEA 490 version). This SECTION adds the text of the HEA 1004 version of the section back into the Code as IC 6-1.1-15- <u>17.2</u> .	Upon passage
37.	6-1.1-15-17.4	Duplicate section numbers. Two entirely different sections were added to the Code in 2011 as "IC 6-1.1-15-17". Consequently, the Indiana Code now contains two versions of IC 6-1.1-15-17. The two versions, which were added by HEA 1004 [P.L.172-2011] and SEA 490 [P.L.220-2011], are entirely different in content. In order to give each version of IC 6-1.1-15-17 its own place in the Code, this draft repeals both versions of IC 6-1.1-15-17 and adds the content of the two version back into the Code as new sections "IC 6-1.1-15- <u>17.2</u> " (the HEA 1004 version) and "IC 6-1.1-15- <u>17.4</u> " (the SEA 490 version). This SECTION adds the text of the SEA 490 version of the section back into the Code as IC 6-1.1-15- <u>17.4</u> .	Upon passage
38.	6-1.1-20.1	In 2011 the text of P.L.146-2008, SECTIONS 849 and 850, was codified as sections 1 and 2 of the new chapter IC 6-1.1-20.1. However, it has come to light that P.L.146-2008, SECTIONS 849 and 850, had been amended by another noncode statute, P.L.182-2009(ss), SECTIONS 500 and 501. Consequently, the text codified as IC 6-1.1-20.1 does not represent the latest enactment by the General Assembly. However, the amending noncode statute, P.L.182-2009(ss), SECTIONS 500 and 501, was repealed in 2011 by IC 1-1-1.1-1 and IC 1-1-1.1-2. This SECTION simply repeals the chapter IC 6-1.1-20.1. (Sections 1 and 2 make up the entire chapter .)	
39.	6-3-1-3.5	Conflict resolution. IC 6-3-1-3.5 was amended in 2011 by three acts, HEA 1001 [P.L.229-2011], HEA 1004 [P.L.172-2011], and SEA 590 [P.L.171-2011]. Consequently, the Indiana Code now contains not one but three versions of IC 6-3-1-3.5. The three versions are substantively and technically compatible, so this SECTION merges the three versions into one so that the Indiana Code can again contain only a single version of IC 6-3-1-3.5.	Upon passage
40.	6-3-1-3.7	Revising statutory references in response to re-numbering of subdivisions. IC 6-3-1-3.5 is amended and corrected by this draft to resolve the technical conflict among the three 2011 acts that amended it. The resolution of the conflict will result in a re-numbering of some of the subdivisions of IC 6-3-1-3.5. The re-numbering of the subdivisions will necessitate a revision of the two references to IC 6-3-1-3.5 that are present in the text of IC 6-3-1-3.7. This SECTION	Upon passage

amends IC 6-3-1-3.7 by changing the references from "section 3.5(a)(17) of this chapter" to "section 3.5(a)(15) of this chapter".

- | | | | |
|-----|---------------|--|--------------|
| 41. | IC 6-3-2-4 | Revising statutory references in response to re-numbering of subdivisions. IC 6-3-1-3.5 is amended and corrected by this draft to resolve the technical conflict among the three 2011 acts that amended it. The resolution of the conflict will result in a re-numbering of some of the subdivisions of IC 6-3-1-3.5. The re-numbering of the subdivisions will necessitate a revision of the reference to IC 6-3-1-3.5 that is present in the text of IC 6-3-2-4. This SECTION amends IC 6-3-2-4 by changing the reference from "IC 6-3-1-3.5(a)(23)" to "IC 6-3-1-3.5(a)(<u>21</u>)." | Upon passage |
| | | | |
| 42. | IC 6-3-2-25 | Revising statutory references in response to re-numbering of subdivisions. IC 6-3-1-3.5 is amended and corrected by this draft to resolve the technical conflict among the three 2011 acts that amended it. The resolution of the conflict will result in a re-numbering of some of the subdivisions of IC 6-3-1-3.5. The re-numbering of the subdivisions will necessitate a revision of the three references to IC 6-3-1-3.5 that are present in the text of IC 6-3-2-25. This SECTION amends IC 6-3-2-25 by changing the three references from "IC 6-3-1-3.5(a)(17)" to "IC 6-3-1-3.5(a)(<u>15</u>)." | Upon passage |
| | | | |
| 43. | IC 6-3-8.1-2 | Revision of codified noncode provision to incorporate overlooked 2003 amendment. SEA 490 [P.L.220-2011] codified a noncode SECTION from 2002 [P.L.192-2002(ss), SECTION 197] as the new Code chapter IC 6-3-8.1. However, the 2002 noncode SECTION had been amended in 2003 [by P.L.269-2003], and the text of the new IC 6-3-8.1 does not incorporate the content of the 2003 amendment. This SECTION amends IC 6-3-8.1-2 to incorporate into the Code the changes that P.L.269-2003, SECTION 13, made in the text of P.L.192-2002(ss), SECTION 197. | Upon passage |
| | | | |
| 44. | IC 6-3-8.1-3 | Revision of codified noncode provision to incorporate overlooked 2003 amendment. SEA 490 [P.L.220-2011] codified a noncode SECTION from 2002 [P.L.192-2002(ss), SECTION 197] as the new Code chapter IC 6-3-8.1. However, the 2002 noncode SECTION had been amended in 2003 [by P.L.269-2003], and the text of the new IC 6-3-8.1 does not incorporate the content of the 2003 amendment. This SECTION amends IC 6-3-8.1-3 to incorporate into the Code the changes that P.L.269-2003, SECTION 13, made in the text of P.L.192-2002(ss), SECTION 197. | Upon passage |
| | | | |
| 45. | IC 6-3.1-20-4 | Revising statutory references in response to re-numbering of subdivisions. IC 6-3-1-3.5 is amended and corrected by this draft to resolve the technical conflict among the three 2011 acts that amended it. The resolution of the conflict will result in a re-numbering of some of the subdivisions of IC 6-3-1-3.5. | Upon passage |

The re-numbering of the subdivisions will necessitate a revision of the reference to IC 6-3-1-3.5 that is present in the text of IC 6-3.1-20-4. This SECTION amends IC 6-3.1-20-4 by changing the reference from "IC 6-3-1-3.5(a)(17)" to "IC 6-3-1-3.5(a)(15)."

46.	6-3.5-1.1-24	Conflict resolution. IC 6-3.5-1.1-24 was amended in 2011 by two acts, SEA 62 [P.L.77-2011] and HEA 1004 [P.L.172-2011]. Consequently, the Indiana Code now contains not one but two versions of IC 6-3.5-1.1-24. The two versions are substantively and technically compatible, so this SECTION merges the two versions into one so that the Indiana Code can again contain only a single version of IC 6-3.5-1.1-24.	Upon passage	
47.	6-3.5-9-14	Incorrect terminology. IC 6-3.5-9-14 requires a "qualified unit" to "enter into an agreement with an applicant that is awarded a <u>a credit</u> under (IC 6-3.5-9)." But IC 6-3.5-9 does not provide for the awarding of tax credits. Rather, it provides for the awarding of <u>hiring incentives</u> . This SECTION amends IC 6-3.5-9-14 so as to replace "credit" with "hiring incentive".	Upon passage	Roscoe Hooten, LSA attorney [brought problem to OCR's attention]
48.	6-5.5-1-2	Conflict resolution. IC 6-5.5-1-2 was amended in 2011 by three acts, HEA 1001 [P.L.229-2011], HEA 1004 [P.L.172-2011], and SEA 590 [P.L.171-2011]. Consequently, the Indiana Code now contains not one but three versions of IC 6-5.5-1-2. The three versions are substantively and technically compatible, so this SECTION merges the three versions into one so that the Indiana Code can again contain only a single version of IC 6-5.5-1-2.	Upon passage	
49.	6-8.1-8-2	Conflict resolution. IC 6-8.1-8-2 was amended in 2011 by two acts, HEA 1004 [P.L.172-2011] and SEA 155 [P.L.99-2011]. Consequently, the Indiana Code now contains not one but two versions of IC 6-8.1-8-2. The two versions are substantively and technically compatible, so this SECTION merges the two versions into one so that the Indiana Code can again contain only a single version of IC 6-8.1-8-2.	Upon passage	
50.	6-9-2-0.3	Repealing a redundant Code section. This SECTION repeals IC 6-9-2-0.3 because the text of IC 6-9-2-0.3 is identical to the text of IC 6-9-2-10.3.	Upon passage	
51.	6-9-7-7	Conflict resolution. IC 6-9-7-7 was amended in 2011 by two acts, HEA 1001 [P.L.229-2011] and HEA 1004 [P.L.172-2011]. Consequently, the Indiana Code now contains not one but two versions of IC 6-9-7-7. The two versions are substantively and technically compatible, so this SECTION merges the two versions into one so that the Indiana Code can again contain only a single version of IC 6-9-7-7.	Upon passage	
52.	6-9-10.5-11	Subject/verb agreement. IC 6-9-10.5-11, as added by HEA 1004 [P.L.172-2011],	Upon passage	Ed Gohmann,

		includes the following sentence: "The <u>handling and expenditure</u> of money coming into possession of the commission <u>is</u> subject to audit and supervision by the state board of accounts." Because the subject is plural (handling and expenditure), this sentence should have a plural verb. This SECTION amends IC 6-9-10.5-11 by replacing "is subject to audit" with " <u>are</u> subject to audit".		LSA attorney [brought problem to OCR's attention]
53.	7.1-5-3-1	Singular verb called for. Subsection (a)(2) of IC 7.1-5-3-1 includes the following: " ... members, each of whom <u>hold</u> a brewer's permit". Because a singular verb called for in this context, this SECTION amends IC 7.1-5-3-1(a)(2) by replacing "hold" with " <u>holds</u> ".	Upon passage	Eliza Houston Stephenson, LSA attorney [brought problem to OCR's attention]
54.	7.1-5-3-4	Singular verb called for. Subsection (a)(3) of IC 7.1-5-3-4 includes the following: " ... members, each of whom <u>hold</u> a brewer's permit". Because a singular verb called for in this context, this SECTION amends IC 7.1-5-3-4(a)(3) by replacing "hold" with " <u>holds</u> ".	Upon passage	Eliza Houston Stephenson, LSA attorney [brought problem to OCR's attention]
55.	8-1-34-23	Incorrect U.S. Code reference. Subsection (d)(6) of IC 8-1-34-23 reads in pertinent part as follows: "This subdivision does not limit the authority of a unit, or the commission on behalf of a unit, to impose a tax, fee, or other assessment upon the purchaser under <u>42 U.S.C. 542(h)</u> ." This reference to the U.S. Code cannot be correct because Title 42 of the U.S. Code concerns "Public health and welfare" and it does not contain any section number 542. The intent of the General Assembly must have been to refer in IC 8-1-34-23(d)(6) to <u>47 U.S.C. 542(h)</u> . Section 542 of Title 47 is a section of the U.S. Code that deals with "franchise fees" (any tax, fee, or assessment imposed by a franchising authority or other governmental entity on a cable operator or cable subscriber) charged in connection with cable communications. Subsection (h) of section 542 recognizes the right of a franchising authority to impose a tax, fee, or other assessment on a person other than a cable operator, with respect to cable service or other communications service provided by that person over a cable system. This SECTION amends IC 8-1-34-23(d)(6) to replace "42 U.S.C. 542(h)" with " <u>47 U.S.C. 542(h)</u> ".	Upon passage	Sarah Burkman, LSA attorney [brought problem to OCR's attention]
56.	8-1-34-24	Incorrect U.S. Code reference. Subsection (d) of IC 8-1-34-24 reads in pertinent part as follows: "A franchise fee owed by a holder to a unit under this section may be passed through to ... the holder's subscribers in the unit. To the extent allowed under <u>43 U.S.C. 542(c)</u> , the holder may identify as a separate line item on each regular bill issued to a subscriber ... the amount of the total bill assessed as a franchise fee ... " This reference to the U.S. Code cannot be correct because Title 43 of the U.S. Code concerns "Public lands" and section 542 of Title 43 concerns "reservation of lien for charges, enforcement of lien, and redemption" in connection with the reclamation and irrigation of lands by the federal government. The intent of the General	Upon passage	Sarah Burkman, LSA attorney [brought problem to OCR's attention]

Assembly must have been to refer in IC 8-1-34-24(d) to 47 U.S.C. 542(c). Section 542 of Title 47 is a section of the U.S. Code that deals with "franchise fees" (any tax, fee, or assessment imposed by a franchising authority or other governmental entity on a cable operator or cable subscriber). Subsection (c) of section 542 concerns "itemization of subscriber bills".

57.	9-22-3-5	Incorrect reference to state agency. IC 9-22-3-5 provides that a certificate of salvage title "must contain ... (the) same vehicle information as a certificate of title issued by the <u>department</u> ". But it is the bureau of motor vehicles (which, pursuant to IC 9-13-2-16, is referred to in Title 9 simply as "the bureau") that issues certificates of title, not any "department". This SECTION amends IC 9-22-3-5 to replace "department" with " <u>bureau</u> ".	Upon passage	Susan Montgomery, LSA attorney [brought problem to OCR's attention]
58.	9-23-0.7-2	Reference to a repealed Code section. IC 9-23-0.7-2 provides that the rules adopted by the bureau of motor vehicles concerning IC 9-23-1 and other statutes are considered, after June 30, 2007, rules of the secretary of state. But IC 9-23-1 was repealed in 2011. Because the subject of IC 9-23-0.7-2 is not IC 9-23-1 but <i>the rules</i> concerning IC 9-23-1, this SECTION amends IC 9-23-0.7-2 not by striking the reference to IC 9-23-1 but by inserting "(repealed)" after it.	Upon passage	
59.	9-24-9-2	Conflict resolution. IC 9-24-9-2 was amended in 2011 by two acts, SEA 127 [P.L.145-2011] and HEA 1109 [P.L.118-2011]. Consequently, the Indiana Code now contains not one but two versions of IC 9-24-9-2. The two versions are substantively and technically compatible, so this SECTION merges the two versions into one so that the Indiana Code can again contain only a single version of IC 9-24-9-2. Please note that each of the two acts that amended IC 9-24-9-2 (SEA 127 and HEA 1109) added a new subsection "(d)". This SECTION allows the subsection added by SEA 127 to remain as "(d)" but changes the designation of the subsection added by HEA 1109 to "(e)". This also necessitates a corresponding amendment to IC 9-24-11-5.5, which contains a reference to the subsection added by HEA 1109 as subsection "(d)" (i.e., "IC 9-24-9-2(<u>d</u>)").	Upon passage	
60.	9-24-11-5.5	Changing a reference in correspondence with subsection re-designation. IC 9-24-9-2 was amended in 2011 by two acts, SEA 127 [P.L.145-2011] and HEA 1109 [P.L.118-2011]. Each of the acts added a new subsection designated as "(d)". This draft resolves the technical conflict that arose from the amendment of IC 9-24-9-2 by the two acts, and it also re-designates the new subsection added by HEA 1109 as "(e)". This necessitates a corresponding amendment to IC 9-24-11-5.5, which contains a reference to the subsection added by HEA 1109 as subsection "(d)" (i.e., "IC 9-24-9-2(<u>d</u>)"). This SECTION amends IC 9-24-11-5.5 to change the reference it contains from "IC 9-24-9-2(d)" to "IC 9-24-9-2(<u>e</u>)".	Upon passage	

61.	9-29-6-3	Incorrect subsection reference. IC 9-29-6-3(b) reads in pertinent part: "The fee for a ninety (90) day permit described in IC 9-20-6-2(b)(3) is two hundred dollars (\$200)." However, subsection (b)(3) of IC 9-20-6-2 does not describe ninety day permits. In fact, subsection (b) of IC 9-20-6-2 does not even contain a subdivision (3). It is subsection (c)(3) of IC 9-20-6-2 that describes ninety day permits. It reads: "(c) A permit may be issued under this section for ... (3) A ninety (90) day period." This SECTION amends IC 9-29-6-3(b) to replace "described in IC 9-20-6-2(b)(3)" with "described in IC 9-20-6-2(c)(3)".	Upon passage	Susan Montgomery, LSA attorney [brought problem to OCR's attention]
62.	9-30-10-13	Absence of punctuation to set off parallel phrases. IC 9-30-10-13 reads in pertinent part as follows: "(5) The person files with the bureau, and maintains for three (3) years after filing proof of financial responsibility in accordance with IC 9-25." The absence of a comma at the end of the phrase "maintains for three (3) years after filing" makes the sentence confusing and unclear. To clarify the sentence and show the parallel nature of two phrases following "the person", this SECTION amends IC 9-30-10-13 so as to tabulate subdivision (5) of IC 9-30-10-13 as follows: "(5) The person: (A) files with the bureau; and (B) maintains for three (3) years after filing; proof of financial responsibility ... "	Upon passage	Susan Montgomery, LSA attorney [brought problem to OCR's attention]
63.	10-20-2-5	Word correction. IC 10-20-2-5(2)(A), as added to the Code by SEA 431 [P.L.158-2010], requires the state department of toxicology to provide instruction and technical assistance to prosecutors and defense counsel for the proper "administration of test results into evidence". The word "administration" in IC 10-20-2-5(2)(A) does not make sense in its context and must have been used by error instead of "admission". This SECTION amends IC 10-20-2-5(2)(A) to replace "administration" with "admission".	Upon passage	Susan Kennell, LSA attorney [brought problem to OCR's attention]
64.	10-20.1-1-1	Subsection letter designation. In IC 10-20.1-1-1, as added to the Code by SEA 431 [P.L.158-2010], there are two subsections designated as "(c)". This SECTION amends IC 10-20.1-1-1 to correct the letter designation of the section's subsections.	Upon passage	Susan Kennell, LSA attorney [brought problem to OCR's attention]
65.	11-13-4.5-1.5	Incorrect internal references. IC 11-13-4.5-1.5 sets forth the compact on the interstate commission for juveniles. Subsection (k) of IC 11-13-4.5-1.5's ARTICLE II refers to "every meeting closed under <u>subsection (i)</u> " and "each relevant exemption clause listed in <u>subsection (i)</u> ". However, it is <u>subsection (j)</u> that authorizes the closing of meetings to the public and that lists circumstances under which a meeting may be exempt from the general rule that meetings are to be open to the public. This SECTION amends ARTICLE II, subsection (k) of IC 11-13-4.5-1.5 to replace the references to "subsection (i)" with " <u>subsection (j)</u> ".	Upon passage	K.C. Norwalk, LSA attorney [brought problem to OCR's attention]

66.	11-13-9-2	<p>Conforming definition to section's substantive terms. IC 11-13-9-2, as amended by HEA 1416 [P.L.228-2011], provides in its subsection (b) that the department of correction must provide the parole board with an inmate's progress report after the inmate has been confined to the custody of the department for 25 consecutive years (or confined for 24, 23, 22, or 21 consecutive years if the number of years of credit time received by the inmate plus the number of consecutive years of confinement to the department's custody equals 25). HEA 1416 added a new subsection (a) to IC 11-13-9-2 to define "consecutive" for the purposes of subsection (b). Subsection (a) reads in pertinent part: "As used in this section, <u>confinement is consecutive</u> if (certain conditions are met)". This definition is problematic because what is or is not "consecutive" is not an inmate's confinement but <u>the years</u> that make up the inmate's period of confinement. [The American Heritage Dictionary, 3rd Ed., defines "consecutive" as "following one after another without interruption; successive: <i>was absent on three consecutive days; won five consecutive games on the road.</i>] In all five of the places in subsection (b) in which the adjective "consecutive" is used, it is used to modify the noun "years". This SECTION amends subsection (a) of IC 11-13-9-2 to make it read: "As used in this section, <u>September 29, 2011the years of</u> an inmate's confinement are 'consecutive' if ... "</p>	Upon passage
67.	12-7-2-34	<p>Recognizing a definition in Title 12's comprehensive definitions chapter. In 2011 two chapters numbered as "IC 12-15-45" were added to the Code. To assign each of these chapters its own place in the Code, this draft repeals "IC 12-15-45" and inserts the text of the two chapters back into the Code as the sections 1 and 2 of a new chapter that is numbered "IC 12-15-46". This SECTION amends IC 12-7-2-34, the section in the comprehensive definitions chapter of Title 12 in which the multiple Title 12 definitions of the term "commission" are recognized, to indicate that "commission," as used in the new section IC 12-15-46-2, has the meaning set forth in IC 12-15-46-2(a).</p>	Upon passage
68.	12-7-2-44	<p>Conflict resolution. IC 12-7-2-44 was amended in 2011 by two acts, HEA 1233 [P.L.197-2011] and HEA 1001 [P.L.229-2011]. Consequently, the Indiana Code now contains not one but two versions of IC 12-7-2-44. The two versions are substantively and technically compatible, so this SECTION merges the two versions into one so that the Indiana Code can again contain only a single version of IC 12-7-2-44.</p>	Upon passage
69.	12-7-2-69	<p>Amending a section in a comprehensive definitions chapter to recognize definition in relocated text. In 2011 two chapters numbered as "IC 12-15-45" were added to the Code. To assign each of these chapters its own place in the Code, this draft repeals "IC 12-15-45" and inserts the text of the two chapters back into the Code as the sections 1 and 2 of a</p>	Upon passage

new chapter that is numbered "IC 12-15-46". This SECTION amends IC 12-7-2-69, which recognizes definitions of the term "division" located throughout Title 12 of the Code, to indicate that "division" is defined in text that was included in one of the "IC 12-15-45" chapters and that is being relocated by this draft to IC 12-15-46-2.

70.	12-7-2-82.4	Changing a reference to reflect relocation of text. In 2011 two chapters numbered as "IC 12-15-45" were added to the Code. To assign each of these chapters its own place in the Code, this draft repeals "IC 12-15-45" and inserts the text of the two chapters back into the Code as sections 1 and 2 of a new chapter that is numbered "IC 12-15- <u>46</u> ". IC 12-7-2-82.4, which defines the term "family planning services" for purposes of Title 12 of the Code, includes a reference to "IC 12-15-45-1(a)", a subsection within one of the chapters numbered "IC 12-15-45" that are being converted into sections 1 and 2 of the new chapter IC 12-15-46. This SECTION amends IC 12-7-2-82.4 to change the "IC 12-15-45-1(a)" reference to IC 12-15- <u>46</u> -1(a) so as to reflect the relocation of the subsection's text within the Code.	Upon passage
71.	12-7-2-85.1	Changing a reference to reflect relocation of text. In 2011 two chapters numbered as "IC 12-15-45" were added to the Code. To assign each of these chapters its own place in the Code, this draft repeals "IC 12-15-45" and inserts the text of the two chapters back into the Code as sections 1 and 2 of a new chapter that is numbered "IC 12-15- <u>46</u> ". IC 12-7-2-85.1, which defines the term "fertilization" for purposes of Title 12 of the Code, includes a reference to "IC 12-15-45-1(b)", a subsection within one of the chapters numbered "IC 12-15-45" that are being converted into sections 1 and 2 of the new chapter IC 12-15-46. This SECTION amends IC 12-7-2-85.1 to change the "IC 12-15-45-1(b)" reference to "IC 12-15- <u>46</u> -1(b)" so as to reflect the relocation of the subsection's text within the Code.	Upon passage
72.	12-7-2-181.5	Adding a definition to Title 12's comprehensive definitions chapter. In 2011 two chapters numbered as "IC 12-15-45" were added to the Code. To assign each of these chapters its own place in the Code, this draft repeals "IC 12-15-45" and inserts the text of the two chapters back into the Code as the two sections of a new chapter that is numbered "IC 12-15- <u>46</u> ". This SECTION adds to IC 12-7-2, the comprehensive definitions chapter of Title 12, a new section 181.5 to recognize the definition of the term "state amendment plan" that was included in one of the chapters added as IC 12-15-45 and is included in section 1 of the new chapter IC 12-15-46.	Upon passage
73.	12-7-2-199.8	Adding a definition to Title 12's comprehensive definitions chapter.	Upon passage

In 2011 two chapters numbered as "IC 12-15-45" were added to the Code. To assign each of these chapters its own place in the Code, this draft repeals "IC 12-15-45" and inserts the text of the two chapters back into the Code as the two sections of a new chapter that is numbered "IC 12-15-46". This SECTION adds to IC 12-7-2, the comprehensive definitions chapter of Title 12, a new section 199.8 to recognize the definition of the term "waiver" that was included in one of the chapters added as IC 12-15-45 and is included in section 2 of the new chapter IC 12-15-46.

74.	12-10-6-2.1	Conflict resolution. IC 12-10-6-2.1 was amended in 2011 by two acts, SEA 88 [P.L.143-2011] and HEA 1001 [P.L.229-2011]. Consequently, the Indiana Code now contains not one but two versions of IC 12-10-6-2.1. The two versions are substantively and technically compatible, so this SECTION merges the two versions into one so that the Indiana Code can again contain only a single version of IC 12-10-6-2.1.	Upon passage	
75.	12-15-20.7-2	Missing "IC". In subsection (a)(4) of IC 12-15-20.7-2, there is a reference to a section of the Code ("12-15-15-1.3") that is not preceded by "IC". This SECTION amends IC 12-15-20.7-2 (a)(4) to insert the missing "IC".	Upon passage	
76.	12-15-46	Reassigning places in the Code to chapters given identical chapter numbers. In 2011 two chapters numbered as "IC 12-15-45" were added to the Code by SEA 461 [P.L.160-2011] and HEA 1001 [P.L.229-2011]. The two chapters, while both dealing with the subject of Medicaid Waivers, were different in content. To assign each of these chapters its own place in the Code, this draft repeals "IC 12-15-45" and inserts the text of the two chapters back into the Code as the two sections of a new chapter that is entitled "Medicaid Waivers and State Plan Amendments" and numbered as "IC 12-15-46". This SECTION adds the new chapter "IC 12-15-46". This SECTION also removes two references in the text of the former IC 12-15-45-1 added by SEA 461 to "the Medicaid oversight committee" and replaces them with references to "the select joint commission on Medicaid oversight". (Please note that the text of subsection (d)(5) of section 2 of the new chapter IC 12-15-46, although somewhat garbled, is the same as the text of the corresponding subsection in one of the chapters added as IC 12-15-45 in 2011. No effort was made to revise this the text due to possibility that a revision would unintentionally alter the intended meaning of the text.)	Upon passage	Casey Kline, LSA attorney
77.	12-22-2-0.3	Reference to a repealed Code section. IC 12-22-2-0.3 includes the following: "the four (4) sub-acute stabilization programs implemented under <u>IC 12-22-2-3(1)</u> , as added by P.L.62-1993". But IC 12-22-2-3 was repealed in 2011. This SECTION amends IC 12-22-2-0.3 by adding a new subsection (a) in which the	Upon passage	

words including the reference to IC 12-22-2-3 are reproduced in a slightly different order so that "(repealed)" can be inserted after "IC 12-22-2-3".

78.	12-28-5-10	Conflict resolution. IC 12-28-5-10 was amended in 2011 by two acts, HEA 1233 [P.L.197-2011] and HEA 1001 [P.L.229-2011]. Consequently, the Indiana Code now contains not one but two versions of IC 12-28-5-10. The two versions are substantively and technically compatible, so this SECTION merges the two versions of IC 12-28-5-10 into one so that the Indiana Code can again contain only a single version of IC 12-28-5-10. Please note that in subdivisions (5) and (6) of IC 12-28-5-10 HEA 1233 replaced the references to the "Indiana health facilities council" with references to the "Indiana health facilities, <i>home health care</i> , and <i>hospice</i> council". However, HEA 1001 struck subdivisions (5) and (6) in their entirety. Therefore, in merging the two versions IC 12-28-5-10 into one, we strike the references to the "Indiana health facilities, <i>home health care</i> , and <i>hospice</i> council" that were added to subdivisions (5) and (6) of IC 12-28-5-10 by HEA 1233.	Upon passage	
79.	13-11-2-148	Incorrect subdivision reference. IC 13-11-2-148 was amended in 2011 and the amendment altered the designation of the subdivisions in IC 13-11-2-148's subsection (e); a new subdivision (2) was added and the former subdivisions (2) and (3) were re-designated as "(3)" and "(4)". However, a reference to "subsection (e)(3)(B)" in IC 13-11-2-148's subsection (f) was not altered accordingly. This SECTION amends IC 13-11-2-148(f) to replace the reference to "subsection (e)(3)(B)" with "subsection (e)(<u>4</u>)(B)".	Upon passage	Ruth Rivera, LSA attorney [brought problem to OCR's attention]
80.	13-13-7-9	Conflict resolution. IC 13-13-7-9 was amended in 2011 by two acts, SEA 157 [P.L.62-2011] and SEA 433 [P.L.159-2011]. Consequently, the Indiana Code now contains not one but two versions of IC 13-13-7-9. The two versions are substantively and technically compatible, so this SECTION merges the two versions into one so that the Indiana Code can again contain only a single version of IC 13-13-7-9. This SECTION also slightly revises subdivision (1) of IC 13-13-7-9, which currently mixes the "listing" style of tabulation with the "sentence" style of tabulation. As revised, subdivision (1) will use only the "listing" style and, for the sake of clarity, each clause of subdivision (1) will contain the verb "study".	Upon passage	
81.	13-14-9-8	Conflict resolution. IC 13-14-9-8 was amended in 2011 by two acts, SEA 159 [P.L.79-2011] and SEA 433 [P.L.159-2011]. Consequently, the Indiana Code now contains not one but two versions of IC 13-14-9-8. The two versions are substantively and technically compatible, so this SECTION merges the two versions into one so that the Indiana Code can again contain only a single version of IC 13-14-9-8.	Upon passage	

82.	13-18-12-2.5	Removing extraneous "and". Subsection (b) of IC 13-18-12-2.5 is tabulated in the "sentence" style and contains four subdivisions. At the end of subdivision (2) there is a conjunction, "and". This "and" is not needed because it is a well recognized convention that the conjunction at the end of <i>the second-last</i> tabulated element in a "sentence" style tabulation governs whether the tabulated elements are to be understood as applying conjunctively [e.g., (1), (2), (3), <u>and</u> (4)] or disjunctively [e.g., (1), (2), (3), <u>or</u> (4)]. This SECTION amends IC 13-18-12-2.5 by striking the "and" at the end of subsection (b)(2).	Upon passage	
83.	14-34-19-1.5	Missing "the". The following language appears in subsection (b) of IC 14-34-19-1.5: " ... fund is established for following purposes:" This SECTION amends IC 14-34-19-1.5 by inserting "the" into subsection (b), making the text read: " ... fund is established for <u>the</u> following purposes:"	Upon passage	Steve Wenning, LSA attorney [brought problem to OCR's attention]
84.	14-37-4-8.5	Use of future tense where present tense is called for. IC 14-37-4-8.5, as added by SEA 71 [P.L.140-2011], includes the following text: "a finding that the exercise of the right <u>will not</u> : (1) result in; or (2) <u>have the potential</u> to result in ... " The use of "will not" (future tense) to complete "have the potential to" is incorrect because potential exists in the present, not the future. This SECTION amends IC 14-37-4-8.5 to revive the tabulated elements, making the text read: "a finding that the exercise of the right: (1) <u>will not result in</u> ; or (2) <u>does not have the potential</u> to result in ..." This SECTION also changes the conjunction at the end of subsection (b)(1) from "or" to "and" and, in subsection (e), in the text "accompanied <u>with</u> a certification", changes "with" to " <u>by</u> ".	Upon passage	
85.	15-13-3-11	Subsection (a) of IC 15-13-3-11 authorizes the state fair commission to establish a nonprofit subsidiary corporation. In subsections (b), (c), and (e), IC 15-13-3-11 refers to "a subsidiary corporation <u>established under this section</u> ". In subsection (d), however, the reference is simply to "a subsidiary corporation". For the sake of consistency and to eliminate any ambiguity connected with the subsection (d) reference, this SECTION amends IC 15-13-3-11(d) by adding "established under this section" after "a subsidiary corporation".	Upon passage	Steve Wenning, LSA attorney [brought problem to OCR's attention]
86.	15-19-7-34.5	Misspelled word. Subsection (b) of IC 15-19-7-34.5 includes the following: "The state chemist may ... inspect, audit, and certify commercial feed <u>manufactures</u> ". The word "manufactures" must represent an error; surely the intended word was "manufacturers". The word "manufacturer" appears in its plural form in subsection (a) and in its singular form in subsections (c) and (d). This SECTION amends IC 15-19-7-34.5 by replacing " <u>manufactures</u> " in subsection (b) with " <u>manufacturers</u> ".	Upon passage	

87.	16-18-2-17.2	Recognizing definition in central definitions chapter. The organization scheme of Title 16 of the Code includes a chapter, IC 16-18-2, that is a central location for all definitions in the Title. When a new definition is added to Title 16, either (1) the definition itself; or (2) if the new definition is placed outside IC 16-18-2, a section informing the reader of where in the Title the new definition can be found; should be added to IC 16-18-2. HEA 1071 [P.L.222-2011] added a new definition of the term "anatomic pathology service" to Title 16 as a new section numbered IC 16-48-1-1. However, HEA 1071 did not add a section to IC 16-18-2 informing the reader of where in the Title the new definition could be found. This SECTION adds to IC 16-18-2 a new section, IC 16-18-2-17.2, informing the reader that the definition of "anatomic pathology service" can be found in IC 16-48-1-1.	Upon passage
88.	16-18-2-282	Recognizing definition in central definitions chapter. The organization scheme of Title 16 of the Code includes a chapter, IC 16-18-2, that is a central location for all definitions in the Title. When a new definition is added to Title 16, either (1) the definition itself; or (2) if the new definition is placed outside IC 16-18-2, a section informing the reader of where in the Title the new definition can be found; should be added to IC 16-18-2. HEA 1071 [P.L.222-2011] added a new definition of the term "physician" to Title 16 as a new section numbered IC 16-48-1-3. However, HEA 1071 did not add a section to IC 16-18-2 informing the reader of where in the Title the new definition could be found. This SECTION amends IC 16-18-2-282, an existing definition of "physician", to indicate that the definition of "physician" for the purposes of IC 16-48-1, can be found in IC 16-48-1-2.	Upon passage
89.	IC 16-18-2-295	Recognizing definition in central definitions chapter. The organization scheme of Title 16 of the Code includes a chapter, IC 16-18-2, that is a central location for all definitions in the Title. When a new definition is added to Title 16, either (1) the definition itself; or (2) if the new definition is placed outside IC 16-18-2, a section informing the reader of where in the Title the new definition can be found; should be added to IC 16-18-2. HEA 1071 [P.L.222-2011] added a new definition of the term "provider" to Title 16 as a new section numbered IC 16-48-1-3. However, HEA 1071 did not add a section to IC 16-18-2 informing the reader of where in the Title the new definition could be found. This SECTION amends IC 16-18-2-295, the existing definition of "provider", to indicate that the definition of "provider" for the purposes of IC 16-48-1 can be found in IC 16-48-1-3.	Upon passage
90.	16-18-2-324.7	Recognizing definition in central definitions chapter. The organization scheme of Title 16 of the Code includes a chapter, IC 16-18-2, that is a central location for all definitions in the Title. When a new definition is added to Title 16, either (1) the definition itself; or (2) if the new definition is placed outside	Upon passage

IC 16-18-2, a section informing the reader of where in the Title the new definition can be found; should be added to IC 16-18-2. HEA 1071 [P.L.222-2011] added a new definition of the term "second opinion" to Title 16 as a new section numbered IC 16-48-1-4. However, HEA 1071 did not add a section to IC 16-18-2 informing the reader of where in the Title the new definition could be found. This SECTION adds to IC 16-18-2 a new section, IC 16-18-2-324.7, informing the reader that the definition of "second opinion" can be found in IC 16-48-1-324.7.

- | | | | |
|-----|---------------|---|--------------|
| 91. | 16-18-2-331.9 | <p>Making clauses parallel. Subdivision (1) of IC 16-18-2-331.9 contains three clauses, all of which are presumably intended to modify the noun "structure". Two of the clauses begin with "that" but the third does not. Moreover, there are no commas at the end of the first and second clauses. For the sake of clarity and to make the clauses grammatically parallel, this SECTION inserts "that" at the beginning of the third clause and inserts commas at the end of the first and second clauses.</p> | Upon passage |
| 92. | 16-21-9-7 | <p>Conflict resolution. IC 16-21-9-7 was amended in 2011 by two acts, SEA 366 [P.L.156-2011] and HEA 1004 [P.L.172-2011]. Consequently, the Indiana Code now contains not one but two versions of IC 16-21-9-7. The two versions are substantively and technically compatible. In fact, there is only a one-word difference between the two; in one place, the SEA 366 version omitted the word "Code" in "Internal Revenue Code". Therefore, this SECTION merges the two versions into one so that the Indiana Code can again contain only a single version of IC 16-21-9-7.</p> | Upon passage |
| 93. | 16-25-3-2.5 | <p>Conflict resolution. IC 16-25-3-2.5 was amended in 2011 by two acts, SEA 366 [P.L.156-2011] and HEA 1233 [P.L.197-2011]. Consequently, the Indiana Code now contains not one but two versions of IC 16-25-3-2.5. The two versions are substantively and technically compatible, so this SECTION merges the two versions into one so that the Indiana Code can again contain only a single version of IC 16-25-3-2.5. There is only a one-word difference between the two versions of IC 16-25-3-2.5. The HEA 1233 version refers to a named entity as "the <u>Indiana</u> health care facility advisory council" while the SEA 366 simply refers to the entity as "the health care facility advisory council". This SECTION reconciles the difference between the HEA 1233 version and the SEA 366 version by striking "Indiana". IC 16-19-15, which establishes the entity, refers to it simply as "the health care facility advisory council", not as "the <u>Indiana</u> health care facility advisory council". Any confusion with a similarly named federal body seems unlikely because there does not appear to be a federal body with the name "health care facility advisory council".</p> | Upon passage |
| 94. | 16-27-0.5-9 | <p>Conflict resolution. IC 16-27-0.5-9 was amended in 2011 by two acts, SEA 366 [P.L.156-2011] and HEA 1233 [P.L.197-2011]. Consequently, the Indiana Code</p> | Upon passage |

now contains not one but two versions of IC 16-27-0.5-9. The two versions are substantively and technically compatible, so this SECTION merges the two versions into one so that the Indiana Code can again contain only a single version of IC 16-27-0.5-9. This SECTION also strikes the "Indiana" in "Indiana health care facility advisory council" (as added by HEA 1233) because the name given to the council by IC 16-19-15, the law establishing the council, is simply "the health care facility advisory council". Any confusion with a similarly named federal body seems unlikely because there does not appear to be a federal body with the name "health care facility advisory council".

- | | | | |
|-----|-----------|---|--------------|
| 95. | 16-29-4-3 | <p>Conflict resolution. IC 16-29-4-3 was amended in 2011 by two acts, SEA 366 [P.L.156-2011] and HEA 1233 [P.L.197-2011]. Consequently, the Indiana Code now contains not one but two versions of IC 16-29-4-3. The two versions are substantively and technically compatible, so this SECTION merges the two versions into one so that the Indiana Code can again contain only a single version of IC 16-29-4-3. There is only a one-word difference between the two versions of IC 16-29-4-3. The HEA 1233 version refers to a named entity as "the <u>Indiana</u> health care facility advisory council" while the SEA 366 version simply refers to the entity as "the health care facility advisory council". This SECTION reconciles the difference between the HEA 1233 version and the SEA 366 version by striking "Indiana". IC 16-19-15, which establishes the entity, refers to it simply as "the health care facility advisory council", not as "the <u>Indiana</u> health care facility advisory council". Any confusion with a similarly named federal body seems unlikely because there does not appear to be a federal body with the name "health care facility advisory council".</p> | Upon passage |
| 96. | 16-29-4-4 | <p>Conflict resolution. IC 16-29-4-4 was amended in 2011 by two acts, SEA 366 [P.L.156-2011] and HEA 1233 [P.L.197-2011]. Consequently, the Indiana Code now contains not one but two versions of IC 16-29-4-4. The two versions are substantively and technically compatible, so this SECTION merges the two versions into one so that the Indiana Code can again contain only a single version of IC 16-29-4-4. There is only a one-word difference between the two version of IC 16-29-4-4. The HEA 1233 version refers to a named entity as "the <u>Indiana</u> health care facility advisory council" while the SEA 366 version simply refers to the entity as "the health care facility advisory council". This SECTION reconciles the difference by striking "Indiana". IC 16-19-15, which establishes the entity, refers to it simply as "the health care facility advisory council", not as "the <u>Indiana</u> health care facility advisory council". Any confusion with a similarly named federal body seems unlikely because there does not appear to be a federal body with the name "health care facility advisory council".</p> | Upon passage |
| 97. | 16-34-2-5 | <p>Conflict resolution. IC 16-34-2-5 was amended in 2011 by two acts, HEA 1474</p> | Upon passage |

[P.L.74-2011] and HEA 1210 [P.L.193-2011]. Consequently, the Indiana Code now contains not one but two versions of IC 16-34-2-5. The two versions are substantively and technically compatible, so this SECTION merges the two versions into one so that the Indiana Code can again contain only a single version of IC 16-34-2-5. This SECTION also does the following: [1] In the subdivision in subsection (a) being re-designated as "(6)", inserts a comma after "and" to set off with commas the prepositional phrase beginning with "if". [2] In the same subdivision, inserts the verb "is" (which must have been unintentionally omitted) to make the text read "if the medical procedure is performed on a fetus". [3] In the subdivision in subsection (a) being re-designated as "(7)", moves the comma from before the first "and" to after the "and" to set off with a comma the prepositional phrase beginning with "if the medical procedure". [4] In clause (A) of the same subdivision, moves the comma from after "method" to after "that" to set off with commas the prepositional phrase "in the reasonable judgment of a physician".

98.	20-18-2-16	IC 20-18-2-16 sets forth the general definition of "school corporation" for purposes of Title 20 of the Code. It specifically identifies chapters and an article within Title 20 to which the general definition does not apply. This SECTION amends IC 20-18-2-16 by adding "IC 20-28-11.5" to the chapters identified as those to which the general definition does not apply. (IC 20-28-11.5 has its own definition of "school corporation" which differs from the general definition set forth in IC 20-18-2-16.)	Upon passage	Irma Reinumagi, LSA attorney [brought problem to OCR's attention]
99.	20-20-5.5-2	Inserting words needed for sense. IC 20-20-5.5-2, as added by HEA 1429 [P.L.73-2011], requires the department of education to evaluate curricular materials and to describe its evaluation of the curricular materials in a published report. The sentence in subsection (d) of IC 20-20-5.5-2 states: "To be included in the report under subsection (b), <u>a publisher</u> must provide the department a written exact and standard statewide price for each curricular material." This sentence begins with a dangling modifier -- a prepositional phrase ["To be included in the report under subsection (b)"] that grammatically modifies the noun that immediately follows it ["publisher"] but actually refers to a noun that is absent from the sentence [curricular materials]. A few words must be inserted into this sentence to make it express what must have been the intended meaning. This SECTION amends IC 20-20-5.5-2(d) to make it read: " <u>For a publisher's curricular materials</u> to be included in the report under subsection (b), <u>the</u> publisher must provide the department a written exact and standard statewide price for each curricular material." This SECTION also inserts commas after the first two adjectives in a series of three adjectives in subsection (d).	Upon passage	
100.	20-23-14-5	Conflict resolution. IC 20-23-14-5 was amended in 2011 by two acts, HEA 1340 [P.L.7-2011] and HEA 1074 [P.L.179-2011]. Consequently, the Indiana Code	Upon passage	

now contains not one but two versions of IC 20-23-14-5. The two versions are substantively and technically compatible, so this SECTION merges the two versions into one so that the Indiana Code can again contain only a single version of IC 20-23-14-5.

101.	20-24-2.2-3	Misspelled word. IC 20-24-2.2-1 requires the Indiana department of education to include on its Internet web site certain information concerning the minimum standards established by a charter school's sponsor for renewing or not renewing the charter school's charter. Subsection (a) of IC 20-24-2.2-3, as added by P.L.91-2011 [HEA 1002], refers to "the minimum standards in the charter agreement, as <u>posed</u> on the department's Internet web site." It is very unlikely that the use of the word "posed" was intentional. Presumably, the intended word was "posted", and "posed" appears in IC 20-24-2.2-3(a) by error. This SECTION amends IC 20-24-2.2-3 to replace "posed" with " <u>posted</u> ". This SECTION also makes a second change. IC 20-24-2.2-3(a) provides that a charter school sponsor may be required to appear at a hearing "if the sponsor has renewed a charter or failed to close a charter school that does not meet the minimum standards". Surely this language was intended to make a charter school sponsor subject to summoning to a hearing for renewing the charter of a charter school <i>only</i> if the charter school <i>has failed to meet the minimum standards</i> . To make this intention clear, this SECTION revises the language of IC 20-24-2.2-3(a) slightly, making it read "if the sponsor has renewed <u>the</u> charter <u>of</u> or failed to close a charter school that does not meet the minimum standards".	Upon passage
102.	20-24-6-5	Nonstandard subsection reference. Subsection (b) of IC 20-24-6-5 includes the following text: "Individuals qualifying <u>under subsection (b)</u> may not exceed ..." Because this reference occurs within subsection (b) of IC 20-24-6-5, our form and style manual dictates that it should take this form: "under this section". This SECTION amends IC 20-24-6-5(b) to replace "subsection (b)" with "this section".	Upon passage
103.	20-24-12-10	Subject/verb agreement. Subdivision (3) of IC 20-24-12-10 reads: "A charter school may receive multiple loans from the fund as long as the total amount outstanding on all loans ... <u>do</u> not exceed the maximum amount set by the department." The noun with which the verb must agree ["amount"] is singular, not plural. Therefore, this SECTION changes the verb from plural to singular, making the text read: "as long as the total amount outstanding on all loans ... <u>does</u> not exceed ..."	Upon passage
104.	20-26-5-4	Conflict resolution. IC 20-26-5-4 was amended in 2011 by two acts, SEA 1 [P.L.90-2011] and HEA 1260 [P.L.200-2011]. Consequently, the Indiana Code now contains not one but two versions of IC 20-26-5-4. The two versions are substantively and technically compatible, so this SECTION merges the two versions into one so that the Indiana Code can again contain only a single	Upon passage

version of IC 20-26-5-4.

105.	20-26-5-32.2	Conflict resolution. IC 20-26-5-32.2 was amended in 2011 by two acts, SEA 575 [P.L.48-2011] and HEA 1002 [P.L.91-2011]. Consequently, the Indiana Code now contains not one but two versions of IC 20-26-5-32.2. The two versions are substantively and technically compatible, so this SECTION merges the two versions into one so that the Indiana Code can again contain only a single version of IC 20-26-5-32.2.	Upon passage	
106.	20-26-15-5	Eliminating references to repealed Code provisions. IC 20-26-15-5 lists statutes that do not apply to a freeway school corporation or freeway school if the governing body of the school corporation elects in its contract with the state board of education to have the operation of the statutes suspended for the freeway school corporation or freeway school. Among the statutes listed are: "IC 20-20-5-1 through IC 20-20-5-4", "IC 20-20-5-23", and "IC 20-26-12-28". But the chapter IC 20-20-5 and IC 20-26-12-28 were repealed in 2011. This SECTION amends IC 20-26-15-5 to strike "IC 20-20-5-1 through IC 20-20-5-4", "IC 20-20-5-23", and "IC 20-26-12-28".	Upon passage	
107.	20-28-4-4	Making verbs consistent. In subdivision (1)(A) of IC 20-28-4-4, there are two verbs, one plural ("prepare") and one singular ("provides"), but both must agree with the subject "credit hours of study". In subdivision (1)(B) a plural verb ("prepare") is matched with the subject "credit hours of study". Based on the approach that "study" is the subject and is a singular noun, this SECTION amends IC 20-28-4-4(1) by replacing the plural verbs (two instances of "prepare") with the singular verb, "prepares".	Upon passage	Irma Reinumagi, LSA attorney [brought problem to OCR's attention]
108.	20-28-5-3	Conflict resolution. IC 20-28-5-3 was amended in 2011 by three acts, SEA 1 [P.L.90-2011], SEA 4 [P.L.93-2011], and SEA 176 [P.L.146-2011]. Consequently, the Indiana Code now contains not one but three versions of IC 20-28-5-3. The three versions are substantively and technically compatible, so this SECTION merges the three versions into one so that the Indiana Code can again contain only a single version of IC 20-28-5-3.	Upon passage	
109.	20-28-5-12	Conjunction removed by mistake. Before 2011, IC 20-28-5-12 referred to "an individual who held an Indiana limited, reciprocal, <u>or</u> standard teaching license". The conjunction "or" was stricken in 2011, but it should not have been. The current text ("an Indiana limited, reciprocal, standard teaching license") makes it seem that there is only one type of license but three adjectives are being applied to that single type of license. In fact, limited licenses, reciprocal licenses, and standard teaching licenses are three different types of licenses. This SECTION amends IC 20-28-5-12 by restoring the "or" between "reciprocal" and "standard teaching license".	Upon passage	

110.	20-28-6-2	Extraneous "the". Subsection (a)(3) of IC 20-28-6-2 contains five clauses tabulated in the "sentence" style. The words preceding the clauses are "contain <u>the</u> :". Because the definite article ("the") precedes the clauses, it is not necessary for any clause to begin with "the". However, clause (E) reads, " <u>the</u> number of hours per day ..." This SECTION amends IC 20-28-6-2 by striking "the" at the beginning of clause (E) of subsection (a)(3).	Upon passage	
111.	20-28-11.5-9	Inserting a preposition. Subsection (a) of IC 20-28-11.5-9 requires that the results of school staff performance evaluations be provided to the state department of education but provides that results provided to the department "may not include the names or any other personally identifiable information regarding certificated employees". This SECTION amends IC 20-28-11.5-9(a) by inserting "of" after "names", making the text read: "may not include the names <u>of</u> or any other personally identifiable information regarding certificated employees".	Upon passage	Irma Reinumagi, LSA attorney [brought problem to OCR's attention]
112.	20-29-6-13	Confusing sentence construction. Subsection (a) of IC 20-29-6-13 contains only one sentence, which reads as follows: "At any time after at least sixty (60) days following the beginning of formal bargaining collectively between the parties, an impasse is declared, and the board shall appoint a mediator from the board's staff or an ad hoc panel." The parts of this sentence seem so dissimilar and, taken together, so confusing that it is hard upon a first reading to determine whether the sentence is declarative (simply making a statement about something) or imperative (commanding something). In the context of the chapter, however, it seems certain that the sentence is intended as a declarative sentence requiring the appointment of a mediator under certain circumstances. This SECTION amends IC 20-29-6-13(a) by inserting "If" at the beginning of the sentence and striking "and", making the sentence read: " <u>If</u> , at any time after at least sixty (60) days following the beginning of formal bargaining collectively between the parties, an impasse is declared, and the board shall appoint a mediator from the board's staff or an ad hoc panel." In subsection (b) of IC 20-29-6-13 this SECTION also changes " <u>with</u> fifteen (15) days" to " <u>within</u> fifteen (15) days".	Upon passage	Irma Reinumagi, LSA attorney [brought problem to OCR's attention]
113.	20-29-6-18	Replacing a reference to a repealed Code section. IC 20-29-6-18 includes the following reference: "Either party may appeal the decision of the factfinder <u>under IC 20-29-6-15</u> ." But IC 20-29-6-15 was repealed in 2011. A new section added to the Code in 2011, IC 20-29-6-15.1, appears to have replaced IC 20-29-6-15. Like the former IC 20-29-6-15, the new IC 20-29-6-15.1 provides for the initiaion of factfinding in a collective bargaining situation involving school employees and a school employer. (In the current text of IC 20-29-6-18, "under IC 20-29-6-15" apparently refers to IC 20-29-6-15 as the section under which the factfinder's decision is made, not as the section under which the factfinder's decision is appealed.) This SECTION amends IC 20-29-6-18 by replacing "under IC 20-29-6-15" with " <u>under IC 20-29-6-15.1</u> ".	Upon passage	

114.	20-31-9.5-4	Missing auxiliary verb. The first sentence of IC 20-31-9.5-4 reads as follows: "Any student who lives in the attendance area served by a school that operated as a turnaround academy under this chapter may attend the turnaround academy." There is a word missing between "a school that" and "operated as a turnaround academy" and the only word that seems to fit there is the verb "is". This SECTION amends IC 20-31-9.5-4 to insert "is" in its first sentence.	Upon passage
115.	20-37-2-11	Replacing a reference to a repealed Code section. Subsection (a) of IC 20-37-2-11 provides that, to fall within the definition of "career and technical education course", a course must meet two criteria. Subdivision (2) of subsection (a), which sets forth the second criterion, requires that a career and technical education course be "included on the list of approved courses that the state board develops and approves <u>under IC 20-20-20-3</u> ." However, IC 20-20-20-3 was repealed in 2011. The former IC 20-20-20-3 required the state board of education to "(establish) a list of approved secondary level career and technical education courses in accordance with the workforce partnership plans under IC 22-4.1-14." The same 2011 act that repealed IC 20-20-20-3 (P.L.7-2011) also added to the Code a new section establishing a similar requirement for the state board of education. That new Code section, IC 20-20-38-5, reads in pertinent part as follows: "The state board shall ... (2) Establish a list of approved secondary level career and technical education courses in accordance with the workforce partnership plans under IC 22-4.1-14." Because the new IC 20-20-38-5, like the former IC 20-20-20-3, requires the state board of education to establish a list of approved secondary level career and technical education courses, this SECTION amends IC 20-37-2-11(a)(2) by replacing "under IC 20-20-20-3" with " <u>under IC 20-20-38-5</u> ".	Upon passage
116.	20-40-17-1	Incorrect SECTION reference. P.L.53-1996, SECTION 18, was a noncode SECTION. It contained the following reference: "the school corporations ... shall comply with SECTIONS 1 through <u>18</u> of P.L.50-1996 ... " However, the reference should have been to "SECTIONS 1 through <u>17</u> of P.L.50-1996" because SECTION 18 of P.L.50-1996 was not a SECTION with which school corporations were called to comply. (SECTION 18 imposed duties on the state department of education and state board of tax commissioners, not on school corporations.) The technical corrections act of 1997 amended P.L.53-1996, SECTION 18, to replace "18" with "17" in "SECTIONS 1 through 18". However, a later act, P.L.96-2000, SECTION 9, also amended P.L.53-1996, SECTION 18, and it did not incorporate the 1997 technical correction. The text of P.L.53-1996, SECTION 18, as amended by P.L.96-2000, SECTION 9, was codified in 2011 as IC 20-40-17-1. Because IC 20-40-17-1 was based on P.L.96-2000, SECTION 9, it does not incorporate the 1997 technical correction. This SECTION amends IC 20-40-17-1 so as to incorporate the 1997 technical correction, replacing "SECTIONS 1 through 18" with "SECTIONS 1 through <u>17</u> ".	Upon passage

117.	20-51-4-3	<p>Incorrect chapter reference style. Subsection (d) of IC 20-51-4-3, as amended by P.L.172-2011 [HEA 1004], ends as follows: "complies with the provisions of IC 20-51-4, the Constitutions of the state of Indiana and the United States."</p> <p>There are two problems in this language. First, since this language is within IC 20-5-4, the style prescribed for the statutory reference by our form and style manual is not "IC 20-5-4" but "this chapter". Second, the conjunction "and" is missing. This SECTION amends IC 20-51-4-3(d) to make the language read: "complies with the provisions of <u>this chapter</u> <u>and</u> the Constitutions of the State of Indiana and the United States."</p>	Upon passage	
118.	20-51-4-5	<p>Incorrect section reference. IC 20-51-4-5, as added by HEA 1003 [P.L.92-2011], sets forth a formula for the determination of the "state tuition support amount to be used in <u>section 3(2)</u> of this chapter". However, the state tuition support amount is not determined for the purposes of section 3(2) of the chapter. (Section 3 of the chapter does not contain a subdivision (3) and does not even include the term "state tuition support".) It is section <u>4(2)</u> of the chapter (i.e., IC 20-51-4-4(3)) for the purposes of which the state tuition support amount is determined. IC 20-51-4-4 provides that maximum amount to which an eligible individual is entitled under IC 20-51-4 for a school year is equal to the least of the three different amounts determined IC 20-51-4-4's three subdivisions, and subdivision (2) of IC 20-51-4-4 provides for the determination of a sum equal to a certain percentage of the state tuition support amount determined under IC 20-51-4-5. This SECTION amends IC 20-51-4-5 to replace "section 3(2) of this chapter" with "<u>section 4(2)</u> of this chapter".</p>	Upon passage	
119.	21-12-6-6	<p>Verb tense problems. IC 21-12-6-6(a) provides that, to qualify for a scholarship under the twenty-first century scholars program, a student must meet certain qualifications. Subdivision (5)(E) of IC 21-12-6-6(a) provides that the student must certify in writing that the student has "<u>participate</u> in an academic success program ... " This SECTION amends IC 21-12-6-6(a)(5)(E) by replacing "participate" with "<u>participated</u>". This SECTION also amends subsection (b) of IC 21-12-6-6, which reads in part "fall semester (or its equivalent, as <u>determine</u> by the commission)", by replacing "determine" with "<u>determined</u>".</p>	Upon passage	Irma Reinumagi, LSA attorney [brought problem to OCR's attention]
120.	21-12-13-3	<p>Absence of relative pronouns. The sentence in subsection (b) of IC 21-12-13-3 is constructed in such a way that each of the three subdivisions should begin with a relative pronoun. Subdivision (1) does begin with a relative pronoun [" ... course of study: (1) <u>to which</u> an individual may be admitted ..."] but subdivisions (2) and (3) do not [" ... course of study: ... (2) leads ... (3) prepares ..."]. This SECTION amends IC 21-12-13-3 by inserting at the beginning of subdivisions (2) and (3) of subsection (b) the relative pronoun "that" [" ... course of study: ... (2) <u>that</u> leads ... (3) <u>that</u> prepares ..."]. In subsections (1) and (2) of IC 21-12-13-3's subsection (d) this SECTION also replaces "<u>credits</u> hours" with "<u>credit</u> hours".</p>	Upon passage	Irma Reinumagi, LSA attorney [brought problem to OCR's attention]

121.	21-14-4-1	<p>Absence of relative pronouns. In subdivisions (2) and (3) of IC 21-14-4-1, each of the clauses should begin with the relative pronoun "who" or "whose" ["(2) A person: (A) whose mother ... (B) who is eligible ... etc.]. The clauses (D) and (E) of each of the subdivisions, however, do not begin with "who" or "whose" ["(2) A person ... (D) if the person ... (E) is not more ..."]. This SECTION amends IC 21-14-4-1 by inserting "who" at the beginning of clauses (D) and (E) of subdivisions (2) and (3) ["(2) A person ... (D) <u>who</u>, if the person ... (E) <u>who</u> is not more ..."].</p>	Upon passage	Irma Reinumagi, LSA attorney [brought problem to OCR's attention]
122.	22-3-7-9	<p>Replacing incorrect section references. SEA 576 [P.L.168-2011] added to IC 22-3-7-9 a subsection (b)(2)(B) referring to an owner of a sole proprietorship obtaining a certificate of exemption "under IC 22-3-2-14.5" and a subsection (b)(3)(B) referring to an independent contractor obtaining a certificate of exemption "under IC 22-3-2-14.5". IC 22-3-2-14.5 is a section providing for the issuance of certificates of exemption. However, IC 22-3-2-14.5 is part of the worker's compensation law (which is found at IC 22-3-2 through IC 22-3-6), and IC 22-3-7-9 is part of IC 22-3-7, the worker's <i>occupational diseases</i> compensation law. IC 22-3-7 contains its own section providing for the issuance of certificates of exemption. That section is IC 22-3-7-34.5, which has nearly the same text as IC 22-3-2-14.5. Because IC 22-3-7-34.5 is the certificate of exemption section applying to IC 22-3-7-9 (as part of the worker's occupational diseases compensation law), this SECTION amends subsection (b)(2)(B) and subsection (b)(3)(B) of IC 22-3-7-9 to replace "under IC 22-3-2-14.5" with "under <u>section 34.5 of this chapter</u>" (which is the proper way of referring to IC 22-3-7-34.5 within the chapter IC 22-3-7).</p>	Upon passage	Peggy Piety, LSA attorney [brought problem to OCR's attention]
123.	22-4-3-4	<p>Recognizing that a subsection is subject to a condition. IC 22-4-3-4, as added to the Code by P.L.2-2011 [HEA 1450], consists of two subsections. Subsection (a) provides -- without qualification -- that an individual is not to be considered unemployed for any week in which the department of workforce development finds that the individual is on a vacation week and is or has received remuneration from the individual's employer. Subsection (b), however, provides that "(s)ubsection (a) <u>does not apply</u> to an individual whose employer fails to comply with a department rule or policy ..." In the context of the entire section, therefore, we can see that the seemingly unqualified provision in subsection (a) is actually qualified by subsection (b). To alert the reader to the qualification in subsection (b), this SECTION amends subsection (a) of IC 22-4-3-4 to make it read: "Except as provided in subsection (b), an individual is not totally unemployed ..." In subsection (a) of IC 22-4-3-4 this SECTION also removes the "is" from the end of the line immediately preceding subdivisions (1) and (2) and inserts "is" at the beginning of each subdivision because subdivision (2) uses not only the present tense verb "is" but also the past tense verb "has".</p>	Upon passage	Peggy Piety, LSA attorney [brought problem to OCR's attention]

124.	22-4-3-5	<p>Recognizing that a subsection is subject to a condition. IC 22-4-3-5, as added to the Code by P.L.2-2011 [HEA 1450], consists of three subsections. Subsection (a) provides -- without qualification -- that an individual is not to be considered unemployed for any week in which the department of workforce development finds that the individual is on a vacation week and has not received remuneration for the week pursuant to the employee's contract or the employer's vacation policy. However, subsection (c) provides that subsection (a) "<u>does not apply</u> to an individual whose employer fails to comply with a department rule or policy ..." and subsection (b) provides that subsection (a) "<u>applies only</u> if the department finds that the individual has a reasonable assurance" of being employed by the employer after the week. In the context of the entire section, therefore, we can see that the seemingly unqualified provision in subsection (a) is actually qualified by subsections (b) and (c). To alert the reader to the qualification in subsections (b) and (c), this SECTION amends subsection (a) of IC 22-4-3-5 to make it read: "<u>Except as provided in subsection (c) and subject to subsection (b),</u> an individual is not totally unemployed ..."</p>	Upon passage	Peggy Piety, LSA attorney [brought problem to OCR's attention]
125.	22-4-11-2	<p>Conflict resolution. IC 22-4-11-2 was amended in 2011 by two acts, HEA 1450 [P.L.2-2011] and SEA 295 [P.L.42-2011]. Consequently, the Indiana Code now contains not one but two versions of IC 22-4-11-2. The two versions are substantively and technically compatible, so this SECTION merges the two versions into one so that the Indiana Code can again contain only a single version of IC 22-4-11-2.</p>	Upon passage	
126.	22-4-11-3	<p>Conflict resolution. IC 22-4-11-3 was amended in 2011 by two acts, HEA 1450 [P.L.2-2011] and SEA 295 [P.L.42-2011]. Consequently, the Indiana Code now contains not one but two versions of IC 22-4-11-3. The two versions are substantively and technically compatible, so this SECTION merges the two versions into one so that the Indiana Code can again contain only a single version of IC 22-4-11-3.</p>	Upon passage	
127.	22-4-18-6	<p>Replacing a reference to a repealed Code section. IC 22-4-18-6 includes the following reference: "Career and technical education (as defined <u>in IC 22-4.1-13-5</u>)". But IC 22-4.1-13-5, which defined the term "career and technical education", was repealed in 2011. A new section defining "career and technical education" was added to the Code in 2011 by P.L.7-2011, the same act that repealed IC 22-4.1-13-5. The text of the new definition section, IC 20-20-38-1, is identical to the text of the former IC 22-4.1-13-5 except that IC 20-20-38-1 specifies that "career and technical education" must be "secondary level" education. This SECTION amends IC 22-4-18-6 by replacing "(as defined in IC 22-4.1-13-5)" with "(as defined <u>in IC 20-20-38-1</u>)".</p>	Upon passage	

128.	22-4.1-18-2	Substituting singular for plural. IC 22-4.1-18-2 authorizes the department of workforce development to grant a GED diploma to an individual who achieves a satisfactory score on the GED test "or any other properly validated <u>tests</u> of comparable difficulty" that are approved by the state workforce innovation council. Presumably, the alternative to the GED test would be a single test, not plural tests. This SECTION amends IC 22-4.1-18-2 to replace "tests" with "test".	Upon passage	Peggy Piety, LSA attorney [brought problem to OCR's attention
129.	22-5-1.7-2	Inserting omitted words into definition for the sake of clarity. IC 22-5-1.7-2, as added by SEA 590 [P.L.171-2011], defines the term "contractor" for the purposes of a chapter concerning public contracting. The text of IC 22-5-1.7-2 uses grammatical ellipsis, the writing technique in which one or more words that are necessary for a complete syntactical construction are omitted and must be inferred by the reader. IC 22-5-1.7-2 reads as follows: "As used in this chapter, 'contractor' means a person that <u>has or is</u> attempting to enter into a public contract for services with a state agency or political subdivision." Two types of persons fit the definition of "contractor" under this text. Clearly, the second is a person who "is attempting to enter into a public contract for services with a state agency or political subdivision." But what is the first type? There appears to be an ambiguity as to the first type due to the use of use of grammatical ellipsis. Is the first type a person who <u>has attempted</u> to enter into a public contract for services with a state agency or political subdivision? Or is it a person who <u>has entered into</u> a public contract for services with a state agency or political subdivision? In light of the purpose and overall content of IC 22-5-1.7, the second interpretation (a person who <u>has entered into</u>) is the only logical interpretation. If the definition were intended to apply only to a person that <i>has attempted to enter into</i> a public contract for services, it would illogically exclude from "contractor" those persons <i>who had actually entered into</i> a public contract for services. To eliminate the ambiguity arising from the use of grammatical ellipsis, this SECTION amends IC 22-5-1.7-2 to make it define "contractor" as "a person that <u>has entered into</u> or is attempting to enter into a public contract for services with a state agency or political subdivision."	Upon passage	
130.	22-5-1.7-17	Slight revision for standard usage. Subsection (a) of IC 22-5-1.7-17, as added by SEA 590 [P.L.171-2011], authorizes a contractor to terminate a contract with a subcontractor if the subcontractor is in violation of IC 22-5-1.7. Subsection (b) of IC 22-5-1.7-17 reads in pertinent part: " <u>A contract</u> terminated under subsection (a) for a violation of this chapter ... may not be considered a breach of contract ... " The intended meaning of this language seems clear, but there is a problem with the wording. Common sense tells us that <u>a contract</u> can never be considered <u>a breach of contract</u> . This SECTION revises the wording of subsection (b) slightly so as to express what must have been the intended meaning: " <u>The termination of</u> a contract under subsection (a) for a violation of this chapter ... may not be considered a breach of contract ... "	Upon passage	

131.	23-14-31-26	Correcting a typographical error and slight revision for standard usage. In four places in subsection (a)(7) this SECTION replaces "(persons who) <u>have</u> the same degree (of kinship)" with "(persons who) <u>are of</u> the same degree (of kinship)". In several places in subsection (a)(8) and subsections (e), (f), and (g), this SECTION replaces "disposition of the <u>decedent</u> " with "disposition of the <u>decedent's remains</u> ". And in subsection (f), in "any other individuals <u>on</u> the same degree of kinship", this SECTION replaces "on" (the likely result of a typographical error) with " <u>of</u> ".	Upon passage	Steve Wenning, LSA attorney [brought misspelling of "of" to OCR's attention]
132.	23-14-55-1	Slight revision for standard usage. In subsection (b) of IC 23-14-55-1 this SECTION replaces "the disposition of the <u>decedent</u> " with "the disposition of the <u>decedent's remains</u> ".	Upon passage	
133.	23-14-55-2	Correcting a typographical error and slight revision for standard usage. In several places in IC 23-14-55-2 this SECTION replaces "(persons who) <u>have</u> the same degree (of kinship)" with "(persons who) <u>are of</u> the same degree (of kinship)". In subsection (f), in "any other individuals <u>on</u> the same degree of kinship", this SECTION replaces "on" (the likely result of a typographical error) with " <u>of</u> ".	Upon passage	Steve Wenning, LSA attorney [brought misspelling of "of" to OCR's attention]
134.	24-4.4-1-202	Conflict resolution. IC 24-4.4-1-202 was amended in 2011 by two acts, HEA 1180 [P.L.9-2011] and HEA 1528 [P.L.89-2011]. Consequently, the Indiana Code now contains not one but two versions of IC 24-4.4-1-202. The two versions are substantively and technically compatible, so this SECTION merges the two versions into one so that the Indiana Code can again contain only a single version of IC 24-4.4-1-202.	Upon passage	
135.	24-4.4-2-406	Making a reference more specific. Subsection (6) of IC 24-4.4-2-406 requires the chief executive officer of a creditor to report to the director of the department of financial institutions any transfer or sale of securities of the creditor that meets certain conditions. Subsection (6) then refers to "(the) report required by <u>this section</u> ". Because the reporting requirement is imposed entirely by subsection (6), this SECTION amends IC 24-4.4-2-406 to change the reference in subsection (6) from "this section" to "this <u>subsection</u> ".	Upon passage	Sarah Burkman, LSA attorney [brought problem to OCR's attention]
136.	24-4.5-1-202	Conflict resolution. IC 24-4.5-1-202 was amended in 2011 by two acts, HEA 1180 [P.L.9-2011] and HEA 1528 [P.L.89-2011]. Consequently, the Indiana Code now contains not one but two versions of IC 24-4.5-1-202. The two versions are substantively and technically compatible, so this SECTION merges the two versions into one so that the Indiana Code can again contain only a single version of IC 24-4.5-1-202.	Upon passage	
137.	24-4.5-3-515	Making a reference more specific. Subsection (6) of IC 24-4.5-3-515 requires the chief executive officer of a creditor to report to the director of the department of financial institutions any transfer or sale of securities of the creditor that meets	Upon passage	Sarah Burkman, LSA attorney [brought problem to

		<p>certain conditions. Subsection (6) then refers to "(the) report required by <u>this section</u>". Because the reporting requirement is imposed entirely by subsection (6), this SECTION amends IC 24-4.5-3-515 to change the reference in subsection (6) from "this section" to "this <u>subsection</u>".</p>		OCR's attention]
138.	25-1-1.1-2	<p>Conflict resolution. IC 25-1-1.1-2 was amended in 2011 by three acts, SEA 57 [P.L.138-2011] and HEA 1102 [P.L.182-2011] (which amended IC 25-1-1.1-2 in identical ways) and SEA 363 [P.L.155-2011]. Consequently, the Indiana Code now contains not one but two versions of IC 25-1-1.1-2. The two versions are substantively and technically compatible, so this SECTION merges the two versions into one so that the Indiana Code can again contain only a single version of IC 25-1-1.1-2.</p>	Upon passage	
139.	25-14-1-3.1	<p>Extraneous conjunction. The sentence in subsection (a) of IC 25-14-1-3.1, as amended by SEA 327 [P.L.103-2011], is tabulated in the "sentence" style and contains two subdivisions. At the end of subdivision (2) the word "or" appears, even though there is no longer any subdivision (3) in the subsection. (There was a subdivision (3), but it was stricken in 2011.) This SECTION amends IC 25-14-1-3.1 by striking the "or" at the end of subdivision (2).</p>	Upon passage	Casey Kline, LSA attorney [brought problem to OCR's attention]
140.	25-14-1-30	<p>Duplicate section numbers. A section numbered as "IC 25-14-1-30 " was added to the Code in 1977. In 2011 another section was added to the Code with different contents but with the same section number, IC 25-14-1-30. In order to give each of these sections its own place in the Code, this draft repeals both versions of IC IC 25-14-1-30 and puts the content of the two versions back into the Code as new sections IC 25-14-1-<u>30.2</u> (the 1977 version) and IC 25-14-1-<u>30.4</u> (the 2011 version). This SECTION repeals the version of 25-14-1-30 that was added to the Code in 1977.</p>	Upon passage	
141.	25-14-1-30	<p>Duplicate section numbers. A section numbered as "IC 25-14-1-30 " was added to the Code in 1977. In 2011 another section was added to the Code with different contents but with the same section number, IC 25-14-1-30. In order to give each of these sections its own place in the Code, this draft repeals both versions of IC IC 25-14-1-30 and puts the content of the two versions back into the Code as new sections IC 25-14-1-<u>30.2</u> (the 1977 version) and IC 25-14-1-<u>30.4</u> (the 2011 version). This SECTION repeals the version of 25-14-1-30 that was added to the Code in 2011.</p>	Upon passage	
142.	25-14-1-30.2	<p>Duplicate section numbers. A section numbered as "IC 25-14-1-30 " was added to the Code in 1977. In 2011 another section was added to the Code with different contents but with the same section number, IC 25-14-1-30. In order to give each of these sections its own place in the Code, this draft repeals both versions of IC IC 25-14-1-30 and puts the content of the two</p>	Upon passage	

versions back into the Code as new sections IC 25-14-1-30.2 (the 1977 version) and IC 25-14-1-30.4 (the 2011 version). This SECTION adds the new section IC 25-14-1-30.2, which contains the text of the version of IC 25-14-1-30 that was added to the Code in 1977.

143.	25-14-1-30.4	Duplicate section numbers. A section numbered as "IC 25-14-1-30 " was added to the Code in 1977. In 2011 another section was added to the Code with different contents but with the same section number, IC 25-14-1-30. In order to give each of these sections its own place in the Code, this draft repeals both versions of IC IC 25-14-1-30 and puts the content of the two versions back into the Code as new sections IC 25-14-1- <u>30.2</u> (the 1977 version) and IC 25-14-1- <u>30.4</u> (the 2011 version). This SECTION adds the new section IC 25-14-1-30.4, which contains the text of the version of IC 25-14-1-30 that was added to the Code in 2011.	Upon passage	
144.	25-15-9-18	Correcting a typographical error and slight revision for standard usage. In several places in IC 25-15-9-18 this SECTION replaces "(persons who) <u>have</u> the same degree (of kinship)" with "(persons who) <u>are of</u> the same degree (of kinship)". In several other places in IC 25-15-9-18 this SECTION replaces "disposition of <u>the decedent</u> " with "disposition of the <u>decedent's remains</u> ". And in subsection (g), in "any other individuals <u>on</u> the same degree of kinship", this SECTION replaces "on" (the likely result of a typographical error) with " <u>of</u> ".	Upon passage	Steve Wenning, LSA attorney [brought misspelling of "of" to OCR's attention]
145.	25-15-9-19	Slight revision for standard usage. In subsection (b) of IC 25-15-9-19 this SECTION replaces "disposition of <u>the decedent</u> " with "disposition of <u>the decedent's remains</u> ".	Upon passage	
146.	26-1-9.1-801	Replacing long verbal references to 2011 legislation with public law number. The text of IC 26-1-9.1-801, a section added in 2011 to the Code chapter containing Indiana's enacted version of Title 9 of the Uniform Commercial Code, includes in four places the phrase "amendments to this chapter made by legislation enacted during the 2011 session of the general assembly". To make the text of IC 26-1-9.1-801 more specific and more concise, this SECTION amends IC 26-1-9.1-801 so as to replace "legislation enacted during the 2011 session of the general assembly" with "P.L.54-2011", the public law number of the only act that amended the chapter IC 26-1-9.1 in 2011.	July 1, 2013	
147.	26-1-9.1-802	Replacing long verbal references to 2011 legislation with public law number. The text of IC 26-1-9.1-802, a section added in 2011 to the Code chapter containing Indiana's enacted version of Title 9 of the Uniform Commercial Code, includes in nine places the phrase "legislation enacted during the 2011 session of the general assembly". To make the text of IC 26-1-9.1-802 more specific and more concise, this SECTION amends IC 26-1-9.1-802 so as to replace	July 1, 2013	

"legislation enacted during the 2011 session of the general assembly" with "P.L.54-2011", the public law number of the only act that amended the chapter IC 26-1-9.1 in 2011.

- | | | | |
|------|--------------|---|--------------|
| 148. | 26-1-9.1-803 | Replacing long verbal reference to 2011 legislation with public law number. The text of IC 26-1-9.1-803, a section added in 2011 to the Code chapter containing Indiana's enacted version of Title 9 of the Uniform Commercial Code, includes in three places the phrase "legislation enacted during the 2011 session of the general assembly". To make the text of IC 26-1-9.1-803 more specific and more concise, this SECTION amends IC 26-1-9.1-803 so as to replace "legislation enacted during the 2011 session of the general assembly" with "P.L.54-2011", the public law number of the only act that amended the chapter IC 26-1-9.1 in 2011. | July 1, 2013 |
| | | | |
| 149. | 26-1-9.1-804 | Replacing long verbal reference to 2011 legislation with public law number. The text of IC 26-1-9.1-804, a section added in 2011 to the Code chapter containing Indiana's enacted version of Title 9 of the Uniform Commercial Code, includes in 19 places the phrase "amendments to this chapter made by legislation enacted during the 2011 session of the general assembly". To make the text of IC 26-1-9.1-804 more specific and more concise, this SECTION amends IC 26-1-9.1-804 so as to replace "legislation enacted during the 2011 session of the general assembly" with "P.L.54-2011", the public law number of the only act that amended the chapter IC 26-1-9.1 in 2011. | July 1, 2013 |
| | | | |
| 150. | 26-1-9.1-805 | Replacing long verbal reference to 2011 legislation with public law number. The text of IC 26-1-9.1-805, a section added in 2011 to the Code chapter containing Indiana's enacted version of Title 9 of the Uniform Commercial Code, includes in seven places the phrase "amendments to this chapter made by legislation enacted during the 2011 session of the general assembly". To make the text of IC 26-1-9.1-805 more specific and more concise, this SECTION amends IC 26-1-9.1-805 so as to replace "legislation enacted during the 2011 session of the general assembly" with "P.L.54-2011", the public law number of the only act that amended the chapter IC 26-1-9.1 in 2011. | July 1, 2013 |
| | | | |
| 151. | 26-1-9.1-806 | Replacing long verbal reference to 2011 legislation with public law number. The text of IC 26-1-9.1-806, a section added in 2011 to the Code chapter containing Indiana's enacted version of Title 9 of the Uniform Commercial Code, includes in six places the phrase "amendments to this chapter made by legislation enacted during the 2011 session of the general assembly". To make the text of IC 26-1-9.1-806 more specific and more concise, this SECTION amends IC 26-1-9.1-806 so as to replace "legislation enacted during the 2011 session of the general assembly" with "P.L.54-2011", the public law number of the only act that amended the chapter IC 26-1-9.1 in 2011. | July 1, 2013 |

152.	26-1-9.1-807	Replacing long verbal reference to 2011 legislation with public law number. The text of IC 26-1-9.1-807, a section added in 2011 to the Code chapter containing Indiana's enacted version of Title 9 of the Uniform Commercial Code, includes in one place the phrase "amendments to this chapter made by legislation enacted during the 2011 session of the general assembly". To make the text of IC 26-1-9.1-807 more specific and more concise, this SECTION amends IC 26-1-9.1-807 so as to replace "legislation enacted during the 2011 session of the general assembly" with "P.L.54-2011", the public law number of the only act that amended the chapter IC 26-1-9.1 in 2011.	July 1, 2013	
153.	26-1-9.1-808	Replacing long verbal references to 2011 legislation with public law number. The text of IC 26-1-9.1-808, a section added in 2011 to the Code chapter containing Indiana's enacted version of Title 9 of the Uniform Commercial Code, includes in three places the phrase "amendments to this chapter made by legislation enacted during the 2011 session of the general assembly". To make the text of IC 26-1-9.1-808 more specific and more concise, this SECTION amends IC 26-1-9.1-808 so as to replace "legislation enacted during the 2011 session of the general assembly" with "P.L.54-2011", the public law number of the only act that amended the chapter IC 26-1-9.1 in 2011.	July 1, 2013	
154.	27-1-13-16	Correcting minor flaws. IC 27-1-13-16(b) requires an insurer that reduces, restricts, or removes coverage under a property/casualty policy through a rider or endorsement to provide written notice to the policyholder. Subdivision (5) of IC 27-1-13-16(b) provides that the written notice must: "indicate that the named insured may contact the servicing insurance producer for the policy, if any; or the insurer that for assistance with any questions concerning the policy changes". The text of subdivision (5) was amended in 2011 and, due to a printer's error, it ended up containing a couple of minor flaws: the semicolon after "any" and the extraneous "that" between "the insurer" and "for assistance". This SECTION amends IC 27-1-13-16 by revising subsection (b)(5) so as to eliminate these flaws, making the text read: "indicate that the named insured may contact the servicing insurance producer for the policy, if any, or the insurer that for assistance with any questions concerning the policy changes;".	Upon passage	Ann Naughton, LSA attorney [brought problem to OCR's attention]
155.	27-2-22-8	Subsection letter designation. In IC 27-2-22-8, as added to the Code by SEA 360 [P.L.67-2010], there are two subsections designated as "(c)". This SECTION amends IC 27-2-22-8 to correct the letter designation of the section's subsections.	Upon passage	Ann Naughton, LSA attorney [brought problem to OCR's attention]
156.	27-18-3-1	Striking unnecessary word in observance of grammar rule. In subdivision (7) of IC 27-18-3-1, this SECTION strikes "either" (in "either annually, semiannually, or quarterly") in keeping with the traditional rule that <i>either</i> should be used only to refer to one of two items (<i>The American Heritage Book of English Usage</i> , 1.	Upon passage	Ann Naughton, LSA attorney [brought problem to OCR's attention]

Grammar, ¶ 26).

157.	27-18-3-2	Word replacement to match verb. In subdivision (20) of IC 27-18-3-2, this SECTION replaces "committee created" with "committee <u>established</u> " because the verb used in the provision concerning the inception of the committee is "establish".	Upon passage	Ann Naughton, LSA attorney [brought problem to OCR's attention]
158.	27-18-7-6	Replacing conjunction. IC 27-18-7-6(2) provides that the surplus lines insurance multistate compliance compact commission may close a meeting if the commission determines that an opening meeting would "(disclose) matters specifically exempted from disclosure by federal <u>and</u> state law". The conjunction "and" must have been used in IC 27-18-7-6(2) by mistake. Surely the intent is not for the commission to be able to close a meeting only if the matter that might otherwise be divulged is protected from disclosure by both state <u>and</u> federal law. This SECTION replaces "and" with "or".	Upon passage	Ann Naughton, LSA attorney [brought problem to OCR's attention]
159.	28-1-2-23	Making a reference more specific. Subsection (g) of IC 28-1-2-23 requires the chief executive officer of a financial institution or holding company to report to the director of the department of financial institutions any transfer or sale of securities of the financial institution or holding company that meets certain conditions. Subsection (g) then refers to "(the) report required by <u>this section</u> ". Because the reporting requirement is imposed entirely by subsection (g), this SECTION amends IC 28-1-2-23 to change the reference in subsection (g) from "this section" to "this <u>subsection</u> ".	Upon passage	Sarah Burkman, LSA attorney [brought problem to OCR's attention]
160.	28-1-7.1-6	Missing word. IC 28-1-7.1-6, which was added by HEA 1528 [P.L.89-2011], includes a subsection (a)(2) that contains the following language: "The depository financial institution resulting from the conversion, and any person acquiring capital stock in the depository financial resulting from the conversion ..." In this language, the word " <u>institution</u> " is missing from "any person acquiring capital stock in the depository financial resulting from the conversion". This SECTION amends IC 28-1-7.1-6 to insert the missing "institution".	Upon passage	Sarah Burkman, LSA attorney [brought problem to OCR's attention]
161.	28-1-29-3.1	Making a reference more specific. Subsection (f) of IC 28-1-29-3.1 requires the chief executive officer of any licensed debt management company to report to the director of the department of financial institutions any transfer or sale of securities of the licensed debt management company that meets certain conditions. Subsection (f) then refers to "(the) report required by <u>this section</u> ". Because the reporting requirement is imposed entirely by subsection (f), this SECTION amends IC 28-1-29-3.1 to change the reference in subsection (f) from "this section" to "this <u>subsection</u> ".	Upon passage	Sarah Burkman, LSA attorney [brought problem to OCR's attention]
162.	28-1-29-3.1	Making use of a term consistent throughout the chapter. IC 28-1-29-8.3(e)	Upon passage	Sarah Burkman,

		provides that, generally, a debt management company "may not charge a contract debtor more than one ... <u>cancellation fee</u> ". This is the only place in the chapter IC 28-1-29 in which the term "cancellation fee" is used. But subsection (d) of IC 28-1-29-8.3 provides that a debt management company, upon the contract debtor's cancellation of the agreement between the contract debtor and the debt management company, may withhold not more than one hundred dollars (\$100), "which may be accrued as a <u>close-out fee</u> ". And sections 8(c)(1), 9(b)(3) and 9(b)(3) of the chapter also refer to a " <u>close-out fee</u> " permitted under IC 28-1-29-8.3(d). Because these other sections of the chapter adopt the term " <u>close-out fee</u> " to refer to a fee that a debt management company may impose upon the contract debtor's cancellation of the agreement between the contract debtor and the debt management company, this SECTION amends subsection (d) of IC 28-1-29-8.3 to replace "cancellation fee" with " <u>close-out fee</u> ".		LSA attorney [brought problem to OCR's attention]
163.	28-1-29-3.1	Deciding between singular or plural. Subsection (c) of IC 28-1-29-9 contains the following sentence: "A licensee may not commingle money in a trust account established for the benefit of <u>a contract debtors</u> to whom the licensee is furnishing debt management services with money of other persons." A change is needed to make the sentence refer either to a single contract debtor or to multiple contract debtors; the sentence should read "for the benefit of <u>a contract debtor</u> " or "for the benefit of contract <u>debtors</u> ". This SECTION amends IC 28-1-29-9(c) to replace "debtors" with "debtor".	Upon passage	Sarah Burkman, LSA attorney [brought problem to OCR's attention]
164.	28-7-1-9	Eliminating double preposition. Subsection (a) of IC 28-7-1-9 reads in pertinent part as follows: "A credit union has the following powers: ... (3) To invest <u>in</u> any of the following: ... (F) <u>In</u> savings and loan associations, other credit unions ..." Because the line at the beginning of subdivision (3) contains the word "in", it is redundant for clause (F) to begin with "In". This SECTION amends IC 28-7-1-9(a)(3) by striking the "If" at the beginning of clause (F).	Upon passage	Sarah Burkman, LSA attorney [brought problem to OCR's attention]
165.	28-7-5-9.1	Making a reference more specific. Subsection (f) of IC 28-7-5-9.1 requires the chief executive officer of any licensed pawnbroker to report to the director of the department of financial institutions any transfer or sale of securities of the licensed debt management company that meets certain conditions. Subsection (f) then refers to "(the) report required by <u>this section</u> ". Because the reporting requirement is imposed entirely by subsection (f), this SECTION amends IC 28-1-29-3.1 to change the reference in subsection (f) from "this section" to "this <u>subsection</u> ".	Upon passage	Sarah Burkman, LSA attorney [brought problem to OCR's attention]
166.	28-8-4-40.2	Making a reference more specific. Subsection (f) of IC 28-8-4-40.2 requires the chief executive officer of any licensed money transmitter to report to the director of the department of financial institutions any transfer or sale of	Upon passage	Sarah Burkman, LSA attorney [brought problem to

		securities of the licensed money transmitter that meets certain conditions. Subsection (f) then refers to "(the) report required by <u>this section</u> ". Because the reporting requirement is imposed entirely by subsection (f), this SECTION amends IC 28-8-4-40.2 to change the reference in subsection (f) from "this section" to "this <u>subsection</u> ".		OCR's attention]
167.	28-8-5-13.1	Making a reference more specific. Subsection (f) of IC 28-8-5-13.1 requires the chief executive officer of any licensed check cashing business to report to the director of the department of financial institutions any transfer or sale of securities of the licensed check cashing business that meets certain conditions. Subsection (f) then refers to "(the) report required by <u>this section</u> ". Because the reporting requirement is imposed entirely by subsection (f), this SECTION amends IC 28-8-4-40.2 to change the reference in subsection (f) from "this section" to "this <u>subsection</u> ".	Upon passage	Sarah Burkman, LSA attorney [brought problem to OCR's attention]
168.	29-2-19-17	Slight revision for standard usage. In four places in subsection (7) of IC 29-2-19-17 this SECTION replaces "(persons who) <u>have</u> the same degree (of kinship)" with "(persons who) <u>are of</u> the same degree (of kinship)". In two places in subdivision (8) this SECTION replaces "disposition of the <u>decedent</u> " with "disposition of the <u>decedent's remains</u> ".	Upon passage	
169.	30-4-2.1-14	Nonstandard section reference style. IC 30-4-2.1-14 contains a reference to "IC 30-4-2.1-14.5". Because this reference occurs within the chapter IC 30-4-2.1, our form and style manual would dictate this reference be made in this style: "section 14.5 of this chapter". This SECTION amends IC 30-4-2.1-14 by changing the style of the reference.	Upon passage	Roscoe Hooten, LSA attorney [brought problem to OCR's attention]
170.	31-16-6.5-1.5	Omitted subsection reference. Subsection (a) of IC 31-16-6.5-1.5, as added by HEA 1427 [P.L.210-2011], requires the court issuing a child support order to specify in the order which of a child's parents is entitled to claim the child as a dependent for income tax purposes. Subsection (b) reads: "In determining which parent may claim the child as a dependent <u>under subsection</u> , the court ... " Clearly, the letter identifying a particular subsection should have followed "under subsection" but was unintentionally omitted. Because it is <u>subsection (a)</u> under which a court is authorized to determine which of a child's parents is entitled to claim the child as a dependent for income tax purposes, this SECTION amends IC 31-16-6.5-1.5(b) to make it read: "In determining which parent may claim the child as a dependent <u>under subsection (a)</u> , the court ... "	Upon passage	Eliza Houston Stephenson, LSA attorney [brought problem to OCR's attention]
171.	31-19-25-19	Replacing conjunction. In the last sentence in subsection (b) of IC 31-19-25-19, as added by HEA 1201 [P.L.191-2011], the following text appears: " ... may inquire as to whether the adoptee or adoptive parent ... is interested in participating in the adoption registry under	Upon passage	Eliza Houston Stephenson, LSA attorney [brought problem to OCR's attention]

IC 31-19-18 through IC 31-19-24, this chapter, or IC 31-19-25.5."
The use of the conjunction "or" in this sentence seems inappropriate because the chapters referred to in the sentence (IC 31-19-18, IC 31-19-19, IC 31-19-20, IC 31-19-21, IC 31-19-22, IC 31-19-23, IC 31-19-24, IC 31-19-25, and IC 31-19-25.5) together comprise the law relevant to the adoption registry. The use of "or" suggests that the three groups of chapters, as referred to in the sentence, are to be treated separately in connection with the adoptee's or adoptive parent's interest in participating in the adoption registry. But it is highly unlikely that an adoptee or adoptive parent would be interested in participating in the adoption registry, for instance, under IC 31-19-25.5 but not under IC 31-19-25, or under IC 31-19-18 through IC 31-19-24 but not under IC 31-19-25.5. A very similar sentence in IC 31-19-22-8(b) uses the conjunction "and" instead of "or" ["... may inquire as to whether the adoptee, birth parent, or adoptive parent ... is interested in participating in the adoption registry under IC 31-19-18 through IC 31-19-21, this chapter, IC 31-19-23 through IC 31-19-24, and IC 31-19-25.5."]. This SECTION amends the last sentence in IC 31-19-25-19(b) to replace the conjunction "or" with the "and".

- | | | | | |
|------|-----------|---|--------------|---|
| 172. | 32-21-4-1 | <p>Definition obviously intended to apply chapter-wide but limited to single section. The chapter IC 32-21-4 ["Transfer Fee Covenants"] was added to the Code by HEA 1541 [P.L.136-2011]. Section 1 of the chapter (IC 32-21-4-1) defines the term "transfer", which is used through the chapter. However, IC 32-21-4-1 reads as follows: "As used in <u>this section</u>, 'transfer' means ..." The words "as used <i>in this section</i>" limit the application of the definition to section 1 of the chapter, and limiting the application of the definition to section 1 renders the definition useless because section 1 consists of nothing but the definition of "transfer". The provisions using the term "transfer" to express the substantive meaning of the chapter are in <i>the other sections</i> of the chapter. Because the General Assembly cannot have meant to render the definition of "transfer" useless, this SECTION amends IC 32-21-4-1 to make it read, "As used in <u>this chapter</u>, 'transfer' means ..."</p> | Upon passage | Sarah Burkman,
LSA attorney
[brought problem to
OCR's attention] |
| 173. | 32-21-4-2 | <p>Definition obviously intended to apply chapter-wide but limited to single section. The chapter IC 32-21-4 ["Transfer Fee Covenants"] was added to the Code by HEA 1541 [P.L.136-2011]. Section 2 of the chapter (IC 32-21-4-2) defines the term "transfer fee", which is used in other sections of the chapter. However, IC 32-21-4-2 reads as follows: "As used in <u>this section</u>, 'transfer fee' means ..." The words "as used <i>in this section</i>" limit the application of the definition to section 2 of the chapter, and limiting the application of the definition to section 2 renders the definition useless because section 2 consists of nothing but the definition of "transfer fee". The provisions using the term "transfer fee" to express the substantive meaning of the chapter are in <i>the other sections</i> of the chapter. Because the General Assembly cannot have meant to render the definition of "transfer fee" useless, this</p> | Upon passage | Sarah Burkman,
LSA attorney
[brought problem to
OCR's attention] |

SECTION amends IC 32-21-4-2 to make it read, "As used in this chapter, 'transfer fee' means ..."

- | | | | |
|------|--------------|---|--------------|
| 174. | 32-23-2-6 | Codifying a 1990 noncode SECTION. This SECTION codifies the text of P.L.184-1990, SECTION 1, as a new Code section numbered IC 32-23-2-6. | Upon passage |
| 175. | 32-23-7-6.5 | <p>Variance from defined term, missing article, and grammatical ellipsis. Subsection (b) of IC 32-23-7-6.5, as added by SEA 71 [P.L.140-2011], reads in pertinent part: "an owner or holder of oil, gas, or coal bed methane mineral interest". There are three problems here. First, because of the comma that appears after "oil" and before "gas", the text seems to refer to an "oil ... mineral interest" as something different from a "gas ... mineral interest". However, the term that is defined by IC 32-23-7-1 for use in IC 32-23-7 is "oil <u>and</u> gas", which means "petroleum and mineral oils and gaseous substances of whatever character naturally lying or found beneath the surface of land." Second, an indefinite article is needed after "holder of" and before "oil, gas, or coal bed methane mineral interest" but is missing. Third, subsection (b) uses grammatical ellipsis, the writing technique in which one or more words that are necessary for a complete syntactical construction are omitted and must be inferred by the reader. The text "owner or holder of oil, gas, or coal bed methane mineral interest" is intended to refer to two types of mineral interests but uses "mineral interest" only once. To address these three problems, this SECTION revises the text of subsection (b) to read: "an owner or holder of <u>an</u> oil <u>and</u> gas <u>mineral interest</u> or coal bed methane mineral interest". Also, to enhance the clarity of subsection (b), this SECTION refers to the owner or holder of a mineral interest as "a person" and inserts "person" in subsequent references to the owner or holder, as follows: "<u>a person who is</u> an owner or holder ... <u>and</u> who wants to enter land ... must provide ... notice of the <u>person's</u> intent ... five (5) days before the <u>person's</u> entry." Finally, for the sake of clarity and readability, this SECTION tabulates subsection (c) of IC 32-23-7-6.5 and adds to subsection (c) a few words that are absent from the subsection but whose meaning is clearly implied.</p> | Upon passage |
| 176. | 32-30-10.5-5 | Conflict resolution. IC 32-30-10.5-5 was amended in 2011 by two acts, HEA 1528[P.L.89-2011] and SEA 582 [P.L.170-2011]. Consequently, the Indiana Code now contains not one but two versions of IC 32-30-10.5-5. The two versions are substantively and technically compatible, so this SECTION merges the two versions into one so that the Indiana Code can again contain only a single version of IC 32-30-10.5-5. | Upon passage |
| 177. | 32-30-10.5-8 | Conflict resolution. IC 32-30-10.5-8 was amended in 2011 by two acts, HEA 1024 [P.L.11611] and SEA 582 [P.L.170-2011]. Consequently, the Indiana Code now contains not one but two versions of IC 32-30-10.5-8. The | Upon passage |

two versions are substantively and technically compatible, so this SECTION merges the two versions into one so that the Indiana Code can again contain only a single version of IC 32-30-10.5-8.

178.	33-33-49-13.5	Incorporating noncode SECTION's amendments into the codified version of the noncode SECTION. In 2011 the text of P.L.16-1995, SECTION 18, was codified as IC 33-33-49-13.5. However, it has come to light that P.L.16-1995, SECTION 18, was amended by two other noncode SECTIONS -- P.L.18-1995, SECTION 116, and P.L.209-1996, SECTION 19. This SECTION amends the text of IC 33-33-49-13.5 to make it match the text of P.L.16-1995, SECTION 18, as that text was amended by P.L.18-1995, SECTION 116, and P.L.209-1996, SECTION 19.	Upon passage
179.	34-6-2-8.2	Recognizing definition in central definitions chapter. The organization scheme of Title 34 of the Code includes a chapter, IC 34-6-2, that is a central location for all definitions in the Title. When a new definition is added to Title 34, either: (1) the definition itself; or (2) if the new definition is placed outside IC 34-6-2, a section informing the reader of where in the Title the new definition can be found; should be added to IC 34-6-2. HEA 1133 [P.L.1133-2011] added a definition of the term "agritourism activity" to IC 34-31-9-2. This SECTION adds a new section, IC 34-6-2-8.2, to the central definitions chapter of Title 34 to indicate that the term "agritourism activity", for the purposes of IC 34-31-9, has the meaning set forth in IC 34-31-9-2.	Upon passage
180.	34-6-2-8.3	Recognizing definition in central definitions chapter. The organization scheme of Title 34 of the Code includes a chapter, IC 34-6-2, that is a central location for all definitions in the Title. When a new definition is added to Title 34, either: (1) the definition itself; or (2) if the new definition is placed outside IC 34-6-2, a section informing the reader of where in the Title the new definition can be found; should be added to IC 34-6-2. HEA 1133 [P.L.1133-2011] added a definition of the term "agritourism provider" to IC 34-31-9-3. This SECTION adds a new section, IC 34-6-2-8.3, to the central definitions chapter of Title 34 to indicate that the term "agritourism provider", for the purposes of IC 34-31-9, has the meaning set forth in IC 34-31-9-3.	Upon passage
181.	34-6-2-68.8	Recognizing definition in central definitions chapter. The organization scheme of Title 34 of the Code includes a chapter, IC 34-6-2, that is a central location for all definitions in the Title. When a new definition is added to Title 34, either: (1) the definition itself; or (2) if the new definition is placed outside IC 34-6-2, a section informing the reader of where in the Title the new definition can be found; should be added to IC 34-6-2. HEA 1133 [P.L.1133-2011] added a definition of the term "inherent risks of agritourism activities" to IC 34-31-9-4. This SECTION adds a new section, IC 34-6-2-68.8, to the central definitions chapter of Title 34 to indicate that the term "inherent risks of agritourism activities", for the	Upon passage

purposes of IC 34-31-9, has the meaning set forth in IC 34-31-9-4.

182.	34-6-2-72.2	Recognizing definition in central definitions chapter. The organization scheme of Title 34 of the Code includes a chapter, IC 34-6-2, that is a central location for all definitions in the Title. When a new definition is added to Title 34, either: (1) the definition itself; or (2) if the new definition is placed outside IC 34-6-2, a section informing the reader of where in the Title the new definition can be found; should be added to IC 34-6-2. HEA 1133 [P.L.1133-2011] added a definition of the term "land" to IC 34-31-9-5. This SECTION adds a new section, IC 34-6-2-72.2, to the central definitions chapter of Title 34 to indicate that the term "land", for the purposes of IC 34-31-9, has the meaning set forth in IC 34-31-9-5.	Upon passage
183.	34-6-2-83.3	Recognizing definition in central definitions chapter. The organization scheme of Title 34 of the Code includes a chapter, IC 34-6-2, that is a central location for all definitions in the Title. When a new definition is added to Title 34, either: (1) the definition itself; or (2) if the new definition is placed outside IC 34-6-2, a section informing the reader of where in the Title the new definition can be found; should be added to IC 34-6-2. HEA 1133 [P.L.1133-2011] added a definition of the term "monetary consideration" to IC 34-31-9-6. This SECTION adds a new section, IC 34-6-2-83.3, to the central definitions chapter of Title 34 to indicate that the term "monetary consideration", for the purposes of IC 34-31-9, has the meaning set forth in IC 34-31-9-6.	Upon passage
184.	34-6-2-95	Recognizing definition in central definitions chapter. The organization scheme of Title 34 of the Code includes a chapter, IC 34-6-2, that is a central location for all definitions in the Title. When a new definition is added to Title 34, either: (1) the definition itself; or (2) if the new definition is placed outside IC 34-6-2, a section informing the reader of where in the Title the new definition can be found; should be added to IC 34-6-2. HEA 1133 [P.L.1133-2011] added a definition of the term "participant" to IC 34-31-9-7. This SECTION amends IC 34-6-2-95, which already defines "participant" for the purposes of another chapter in Title 34, to indicate that the term "participant", for the purposes of IC 34-31-9, has the meaning set forth in IC 34-31-9-7.	Upon passage
185.	34-6-2-103	Recognizing definition in central definitions chapter. The organization scheme of Title 34 of the Code includes a chapter, IC 34-6-2, that is a central location for all definitions in the Title. When a new definition is added to Title 34, either: (1) the definition itself; or (2) if the new definition is placed outside IC 34-6-2, a section informing the reader of where in the Title the new definition can be found; should be added to IC 34-6-2. HEA 1133 [P.L.1133-2011] added a definition of the term "person" to IC 34-31-9-8. This SECTION amends IC 34-6-2-103, which already defines "person" for the purposes of other chapters in Title 34, to indicate that the term	Upon passage

"person", for the purposes of IC 34-31-9, has the meaning set forth in IC 34-31-9-8.

186.	34-11-2-10.5	<p>Incorrect subsection reference. IC 34-11-2-10.5 states: "An action brought by a volunteer ... firefighter ... for being disciplined for being absent from employment while responding to an emergency must be commenced within one (1) year after the date of the disciplinary action, as provided in IC 36-8-12-10.5(e)." However, subsection (e) of IC 36-8-12-10.5 does not establish a one year deadline for the commencement of an action. (Subsection (e) authorizes a political subdivision employer to require an employee who is absent due to injury to provide evidence of the injury from a physician.) Rather, it is subsection (g) of IC 36-8-12-10.5 that establishes a one year deadline for the commencement of an action. Subsection (g) reads in pertinent part as follows: "An action brought under this subsection must be filed within one (1) year after the date of the disciplinary action." This SECTION amends IC 34-11-2-10.5 to replace "IC 36-8-12-10.5(e)" with "IC 36-8-12-10.5(g)."</p>	Upon passage	
187.	34-30-2-14.6	<p>Incorrect recognition of a section as conferring immunity from civil liability. IC 34-30-2-14.6, a section in the Code chapter listing Code provisions outside IC 34 that confer immunity from civil liability, recognizes "IC 5-14-3.5-3" as a section conferring immunity from civil liability. IC 34-30-2-14.6 reads as follows: "IC 5-14-3.5-3 (Concerning the state and state officials, officers, and employees for posting certain confidential information)." While there is now a Code section numbered "IC 5-14-3.5-3", there was no such section in the Code in 2010, when IC 34-30-2-14.6 was added to the Code. (The 2010 house bill that added IC 34-30-2-14.6 to the Code had included a SECTION adding a chapter numbered IC 5-14-3.5, but that SECTION was removed before the bill was enacted.) Moreover, the section IC 5-14-3.5-3 that is present now in the Code does not confer civil immunity. It reads: "The auditor of state may enhance and organize the presentation of the information through the use of graphic representations." There <i>is</i> a section in the chapter IC 5-14-3.5 that confers civil immunity, but it is section 5 of the chapter (IC 5-14-3.5-<u>5</u>), not IC 5-14-3.5-<u>3</u>. And IC 5-14-3.5-5 is properly recognized as a section conferring immunity from civil liability by IC 34-30-2-<u>14.7</u>. This SECTION repeals IC 34-30-2-14.6.</p>	Upon passage	Andy Hedges, LSA attorney [brought problem to OCR's attention]
188.	35-36-102	<p>Singular verb called for. IC 35-36-10-2 includes the following: "'child pornography' <u>include</u>;" Because a singular verb called for in this context, this SECTION amends IC 35-36-10-2 by replacing "include" with "includes".</p>	Upon passage	Andy Hedges, LSA attorney
189.	35-41-1-26.3	<p>Correcting chemical compounds. IC 35-41-1-26.3 defines "synthetic cannabinoid" by listing chemical compounds that may be contained in the defined substance. This SECTION corrects two of the expressions of chemical compounds.</p>	Upon passage	

190. 35-42-2-1.3	<p>Correcting reference to the removal of a clause from a section. From 1996 to 1999, IC 35-42-2-1 (the statute defining the crime of battery) contained a clause (E) within its subsection (a), subdivision (2). This clause (E) was an "enhancement" provision. It provided that a person who knowingly or intentionally touched another person in a rude, insolent, or angry manner committed battery as a Class D felony (rather than as a misdemeanor) if the touching resulted in bodily injury to:</p> <p style="padding-left: 40px;">"(E) the other person and the person who (committed) the battery which was related to domestic violence ... was previously convicted of a battery which was related to domestic violence".</p> <p>A 1999 act (P.L.188-1999) struck the text of clause (E) from IC 35-42-2-1 and added to the Code the new IC 35-42-2-1.3, which defined "domestic battery" as a separate crime. IC 35-42-2-1.3 provided that domestic battery was primarily a Class A misdemeanor but was a Class D felony if the person committing domestic battery had a prior unrelated conviction "under this section" (i.e., under the new IC 35-42-2-1.3). In the following year (in P.L.47-2000), IC 35-42-2-1.3 was amended to provide that a domestic battery could be a Class D felony if the person committing domestic battery had a prior unrelated conviction under the new IC 35-42-2-1.3 <u>or</u> under <u>the clause (E)</u> that had been <u>stricken</u> from IC 35-42-2-1(a)(2) in 1999 by P.L.188-1999. The 2000 language amending IC 35-42-2-1.3 read as follows (see bold text): "However, the offense is a Class D felony if the person has a previous, unrelated conviction under this section (or IC 35-42-2-1(a)(2)(E) before its repeal)." The use of "before its repeal" in this amendatory language has been a source of confusion. Under our form and style manual, the removal of a clause from a section of the Code by striking is not a "repeal" of that clause. Only a section, chapter, article, or title may be repealed. To remove a clause from a Code section is merely to amend that section. To bring about conformity to our usage and style, this SECTION amends IC 35-42-2-1.3 to replace "under this section (or IC 35-42-2-1(a)(2)(E) before its repeal)" with "under this section (or IC 35-42-2-1(a)(2)(E) before <u>that provision was removed by P.L.188-1999, SECTION 5)</u>."</p>	Upon passage
191. 35-42-4-4	<p>Changing to appropriate conjunction and tabulating. The subsection (f) added to IC 35-42-4-4 by HEA 1083 [P.L.180-2011] reads: " ... it is a defense to <u>a prosecution</u> under subsections (b)(1), (b)(2), <u>and</u> (c) if (certain conditions) apply". It is extremely unlikely that the General Assembly intended the defense recognized by subsection (f) to apply to a particular prosecution only if the prosecution were brought under subsection (b)(1) (child exploitation involving a performance), subsection (b)(2) (child exploitation by dissemination of material depicting or describing sexual conduct), <u>and</u> subsection (c) (possession of child pornography). Surely the intent of the General Assembly was that the defense would apply to a prosecution brought under subsection (b)(1), a prosecution brought under subsection (b)(2), <u>or</u> a prosecution brought</p>	Upon passage

under subsection (c). This SECTION amends IC 35-42-4-4 so as to change the conjunction in subsection (f) from "and" to "or". This SECTION also tabulates subsection (a) of IC 35-42-4-4 in accordance with our form and style manual.

192.	35-46-1-4	Nonstandard form of reference to a section. In subsection (d)(2) of IC 35-46-1-4 there is a reference to "IC 35-46-1-9(b)". Because this reference occurs within the chapter IC 35-46-1, our form and style manual would dictate that it take this form: "section 9(b) of this chapter". This SECTION amends IC 35-46-1-4(d)(2) to replace the "IC 35-46-1-9(b)" reference with "section 9(b) of this chapter".	Upon passage	
193.	35-46-3-8.5	Nonstandard form of reference to a section. In IC 35-46-3-8.5 there is a reference to "IC 35-46-3-9". Because this reference occurs within the chapter IC 35-46-1, our form and style manual would dictate that it take this form: "section 9 of this chapter". This SECTION amends IC 35-46-3-8.5 to replace the "IC 35-46-3-9" reference with "section 9 of this chapter".	Upon passage	
194.	35-46-3-9.5	Nonstandard form of reference to a section. In IC 35-46-3-9.5 there is a reference to "IC 35-46-3-9". Because this reference occurs within the chapter IC 35-46-1, our form and style manual would dictate that it take this form: "section 9 of this chapter". This SECTION amends IC 35-46-3-9.5 to replace the "IC 35-46-3-9" reference with "section 9 of this chapter".	Upon passage	
195.	35-47-1-1	Reflecting the addition of a definition that is not article-wide. IC 35-47-1-1 reads as follows: "The definitions in this chapter apply throughout this article." However, SEA 292 [P.L.152-2011] added a definition to the chapter (IC 35-47-1) that does not apply throughout the entire article (IC 35-47). That definition is the definition of "ammunition" that SEA 292 added as IC 35-47-1-2.5. It reads as follows: "'Ammunition', <u>for purposes of IC 35-47-11.1</u> , means . . ." (The term "ammunition" is used in chapters of IC 35-47 other than IC 35-47-11.1, and the authors of SEA 292 presumably did not want the new definition of "ammunition" to apply to the term where it is in those other chapters.) Because this new definition of "ammunition" applies to only one chapter in IC 35-47, the statement in IC 35-47-1-1 that the definitions in IC 35-47-1 apply throughout all of IC 35-47 is no longer true. Consequently, this SECTION amends IC 35-47-1-1 to make it read as follows: " <u>Except as otherwise provided</u> , the definitions in this chapter apply throughout this article."	Upon passage	
196.	35-47-2-1	Extraneous words. Subsection (b) of IC 35-47-2-1 consists of a single sentence that is tabulated in the "sentence" style. The sentence includes five subdivisions. Subdivision (2) is itself tabulated in the "sentence" style and contains three clauses.	Upon passage	Tim Tyler, LSA attorney [brought problem to

The line in subdivision (2) preceding the clauses ends with " ... if the person:". Therefore, there is no need for any of the clauses to begin with "the person". However, clause (C) begins with "the person is on the property ..." The words "the person" in clause (C) are redundant and should be removed. This SECTION amends IC 35-47-2-1(b)(C) by eliminating the words "the person".

OCR's attention]

197.	35-47-2-17	Reorganizing to eliminate redundancy. Before it was amended by SEA 94 [P.L.60-2011], the first sentence of IC 35-47-2-17 read as follows: "No person, in purchasing or otherwise securing delivery of a handgun or in applying for a license to carry a handgun, shall give false information or offer false evidence of identity." SEA 94 amended this sentence, adding the text shown here as underscored: "No person, in purchasing or otherwise securing delivery of a <u>firearm</u> or in applying for a license to carry a handgun, shall <u>knowingly or intentionally</u> ; (1) give false information <u>on a form required to</u> ; (A) <u>purchase or secure delivery of a firearm</u> ; or (B) <u>apply for a license to carry a handgun</u> ; or (2) offer false evidence of identity." The criminal action described in the new subdivision (1) can be committed <i>only</i> if the form on which the false information is given is required to "purchase or secure delivery of a firearm" or to "apply for a license to carry a handgun". Therefore, the clause at the beginning of the sentence immediately following "No person" (i.e., "in purchasing or otherwise securing delivery of a firearm or in applying for a license to carry a handgun") is now redundant insofar as it applies to the new subdivision (1). To eliminate the redundancy, this SECTION amends the sentence so as to move the "in purchasing ..." clause down into subdivision (2), making the sentence read: "No person shall knowingly or intentionally: (1) give false information on a form required to: (A) purchase or secure delivery of a firearm; or (B) apply for a license to carry a handgun; or (2) offer false evidence of identity <u>in</u> ; (A) <u>purchasing or otherwise securing delivery of a firearm</u> ; or (B) <u>applying for a license to carry a handgun</u> ."	Upon passage	
198.	35-47-11.1-4	Misspelling. Subdivision (12) of IC 35-47-11.1-4, as added to the Code by SEA 292 [P.L.152-2011], refers to "the unit's <u>planing</u> and zoning powers under IC 36-7-4". The word "planing" must have been used by error in place of " <u>planning</u> ". This SECTION amends IC 35-47-11.1-4 by replacing "planing" with "planning".	Upon passage	Tim Tyler, LSA attorney [brought problem to OCR's attention]
199.	35-48-2-4	Correcting chemical compounds. IC 35-48-2-4(d)(35) lists chemical compounds that may be contained in synthetic cannabinoids. This SECTION corrects two of the expressions of chemical compounds.	Upon passage	
200.	35-48-4-11	Conflict resolution. IC 35-48-4-11 was amended in 2011 by two acts, SEA 57 [P.L.138-2011] and HEA 1102 [P.L.182-2011]. Consequently, the Indiana Code now contains not one but two versions of IC 35-48-4-11. The two versions	Upon passage	

are substantively and technically compatible, so this SECTION merges the two versions into one so that the Indiana Code can again contain only a single version of IC 35-48-4-11.

201.	35-51-6-1	Adding reference to a section that defines a crime. In 2011 a new article IC 35-51 was added to the Code to set forth a list of statutes that are codified outside Title 35 but define crimes. IC 35-51-6-1, a section within this new article, lists statutes within Title 6 that define crimes. This SECTION amends IC 35-51-6-1 to add "IC 6-9-10.5-12 (concerning innkeeper's taxes)" to the list of statutes within Title 6 that define crimes.	Upon passage	K.C. Norwalk, LSA attorney [brought problem to OCR's attention]
202.	35-51-7-1	Correcting a reference to a title of the Code. In 2011 a new article IC 35-51 was added to the Code to set forth a list of statutes that are codified outside Title 35 but that define crimes. Each section in this new article lists the s within a particular title of the Code that define crimes. IC 35-51-7-1, a section within this new article, states that it sets forth the statutes within "IC 7" that define crimes. However, there is no such title as "IC 7" in the Code. Moreover, there is no other section in IC 35-51 that addresses Title <u>7.1</u> . Surely the use of "IC 7" in IC 35-51-7-1 instead of "IC 7.1" must have been an error. This SECTION amends IC 35-51-7-1 so as to replace "IC 7" with "IC 7.1".	Upon passage	K.C. Norwalk, LSA attorney [brought problem to OCR's attention]
203.	35-51-8-1	Replacing a reference to a repealed Code section. IC 35-51-8-1 lists Code sections that are codified in Title 8 and that define crimes. One of the sections listed is: "IC 8-3-1-13 (Concerning railroads)." But IC 8-3-1-13 was repealed in 2011. This SECTION amends IC 35-51-8-1 by striking "IC 8-3-1-13 (Concerning railroads)."	Upon passage	
204.	35-51-12-1	Adding reference to a section defining a crime. In 2011 a new article IC 35-51 was added to the Code to set forth a list of statutes that are codified outside Title 35 but that define crimes. IC 35-51-12-1, a section within this new article, lists sections within Title 12 that define crimes. This SECTION amends IC 35-51-12-1 to add "IC 12-32-1-7 (concerning verifications of eligibility for public benefits)" to the list of statutes within Title 12 that define crimes. This SECTION also strikes "IC 14-20-1-25 (Concerning state museums and historic sites)" from the list in IC 35-51-12-1 because the chapter IC 14-20-1 was repealed in 2011.	Upon passage	K.C. Norwalk, LSA attorney [brought problem to OCR's attention]
205.	35-51-14-1	Adding one section reference and striking one section reference. In 2011 a new article IC 35-51 was added to the Code to set forth a list of statutes that are codified outside Title 35 but that define crimes. IC 35-51-14-1, a section within this new article, lists statutes within Title 14 that define crimes. This SECTION amends IC 35-51-14-1 to add "IC 14-22-13-10 (concerning commercial fishing licenses)" to the list of statutes within Title 14 that define	Upon passage	K.C. Norwalk, LSA attorney [brought problem to OCR's attention]

crimes.

206.	36-1-12-4	Conflict resolution. IC 36-1-12-4 was amended in 2011 by two acts, SEA 60 [P.L.139-2011] and HEA 1004 [P.L.172-2011]. Consequently, the Indiana Code now contains not one but two versions of IC 36-1-12-4. The two versions are substantively and technically compatible, so this SECTION merges the two versions into one so that the Indiana Code can again contain only a single version of IC 36-1-12-4.	Upon passage
207.	36-7-4-214	Insertion of a certain word where the word's antonym must have been intended. IC 36-7-4-214(a) provides that when a municipal plan commission exercises jurisdiction in an unincorporated area outside the incorporated area of the municipality, two additional citizen members must be appointed to the municipal plan commission. Before 2011, IC 36-7-4-214 provided that, to be eligible for appointment as one of the two additional citizen members, an individual had to reside in the unincorporated area. In 2011, HEA 1311 [P.L.126-2011] amended IC 36-7-4-214 so as to add a second, alternative condition of eligibility for appointment. Now, the individuals appointed as the two additional citizen members either had to: (A) be residents of the unincorporated area; or (B) be residents of the county and owners of real property located within the unincorporated area. Besides adding the second, alternative condition of eligibility for appointment, HEA 1311 inserted into IC 36-7-4-214(a) an additional sentence that reads as follows: "However, at least one (1) of the members must be a resident of the <u>incorporated</u> area." The use of the word "incorporated" in this sentence must have been an error and its antonym, " <u>un</u> incorporated", must have been intended. The entire thrust of IC 36-7-4-214(a) is to bring about representation of the <u>un</u> incorporated area on the municipal plan commission. For the sentence added by HEA 1311 to require that one of the additional citizen members appointed be a resident of the <u>incorporated</u> area is completely inconsistent with the rest of IC 36-7-4-214(a) and the rest of HEA 1311's amendment of IC 36-7-4-214(a). Neither the original condition of eligibility for appointment (residency in the unincorporated area) nor the second, alternative condition of eligibility added by HEA 1311 (residency in the county and ownership of real property in the unincorporated area) says anything about the appointee being a resident of the <u>incorporated</u> area. Moreover, the position of the sentence within IC 36-7-4-214(a) -- immediately after the second, alternative condition of eligibility added by HEA 1311 -- makes it extremely probable that the word "unincorporated" was intended in the sentence. If for sake of analysis we substitute "unincorporated" for "incorporated" in the sentence, we see the sentence as a typical proviso; HEA 1311 was opening up the eligibility for appointment somewhat by adding the second, alternative condition (residency in the county and ownership of real property in the unincorporated area), but it was also providing that at least one of the two additional citizen members appointed must meet <i>the original</i> condition of eligibility -- residency in the <u>unincorporated</u> area.	Upon passage

This SECTION amends IC 36-7-4-214(a) by replacing "incorporated" in the sentence added by HEA 1311 with "unincorporated".

208.	36-7-13.5-3	Conflict resolution. IC 36-7-13.5-3 was amended in 2011 by two acts, SEA 433 [P.L.159-2011] and HEA 1233 [P.L.197-2011]. Consequently, the Indiana Code now contains not one but two versions of IC 36-7-13.5-3. The two versions are substantively and technically compatible, so this SECTION merges the two versions into one so that the Indiana Code can again contain only a single version of IC 36-7-13.5-3.	Upon passage	
209.	36-7-14-39.3	Conflict resolution. IC 36-7-14-39.3 was amended in 2011 by two acts, HEA 1004 [P.L.172-2011] and SEA 490 [P.L.220-2011]. Consequently, the Indiana Code now contains not one but two versions of IC 36-7-14-39.3. The two versions are substantively and technically compatible, so this SECTION merges the two versions into one so that the Indiana Code can again contain only a single version of IC 36-7-14-39.3.	Upon passage	
210.	36-7-15.1-35	Conflict resolution. IC 36-7-15.1-35 was amended in 2011 by two acts, SEA 295 [P.L.42-2011] and HEA 1313 [P.L.203-2011]. Consequently, the Indiana Code now contains not one but two versions of IC 36-7-15.1-35. The two versions are substantively and technically compatible, so this SECTION merges the two versions into one so that the Indiana Code can again contain only a single version of IC 36-7-15.1-35.	Upon passage	
211.	36-7-30.5-30	Conflict resolution. IC 36-7-30.5-30 was amended in 2011 by two acts, SEA 295 [P.L.42-2011] and HEA 1313 [P.L.203-2011]. Consequently, the Indiana Code now contains not one but two versions of IC 36-7-30.5-30. The two versions are substantively and technically compatible, so this SECTION merges the two versions into one so that the Indiana Code can again contain only a single version of IC 36-7-30.5-30.	Upon passage	
212.	36-8-6-8.1	Eliminating references to a defunct entity. SEA 549 [P.L.23-2011] eliminated the 1977 fund advisory committee, a body that had certain statutory duties related to the 1925 Police Pension Fund (IC 36-8-6). SEA 549 also provided for the newly created board of trustees of the Indiana public retirement system to perform the functions formerly performed by the 1977 fund advisory committee, and specified that any references to the 1977 fund advisory committee remaining in the Indiana Code should be treated after a June 30, 2011, as references to the new public retirement system board. This SECTION amends IC 36-8-6-8.1, which still includes several references to the 1977 fund advisory committee, to replace the references to the 1977 fund advisory committee with references to the board of trustees of the Indiana public retirement system.	Upon passage	Peggy Piety, LSA attorney

213.	36-8-7-11	Eliminating references to a defunct entity. SEA 549 [P.L.23-2011] eliminated the 1977 fund advisory committee, a body that had certain statutory duties related to the 1937 Firefighters' Pension Fund (IC 36-8-7). SEA 549 also provided for the newly created board of trustees of the Indiana public retirement system to perform the functions formerly performed by the 1977 fund advisory committee, and specified that any references to the 1977 fund advisory committee remaining in the Indiana Code should be treated after June 30, 2011, as references to the new public retirement system board. This SECTION amends IC 36-8-7-11, which still contains two references to the 1977 fund advisory committee, to replace the references to the 1977 fund advisory committee with references to the board of trustees of the Indiana public retirement system.	Upon passage	Peggy Piety, LSA attorney
214.	36-8-7-12.5	Eliminating references to a defunct entity. SEA 549 [P.L.23-2011] eliminated the 1977 fund advisory committee, a body that had certain statutory duties related to the 1937 Firefighters' Pension Fund (IC 36-8-7). SEA 549 also provided for the newly created board of trustees of the Indiana public retirement system to perform the functions formerly performed by the 1977 fund advisory committee, and specified that any references to the 1977 fund advisory committee remaining in the Indiana Code should be treated after June 30, 2011, as references to the new public retirement system board. This SECTION amends IC 36-8-7-12.5, which still includes several references to the 1977 fund advisory committee, to replace the references to the 1977 fund advisory committee with references to the board of trustees of the Indiana public retirement system.	Upon passage	Peggy Piety, LSA attorney
215.	36-8-7.5-13.2	Eliminating references to a defunct entity. SEA 549 [P.L.23-2011] eliminated the 1977 fund advisory committee, a body that had certain statutory duties related to the 1953 Police Pension Fund (Indianapolis) (IC 36-8-7.5). SEA 549 also provided for the newly created board of trustees of the Indiana public retirement system to perform the functions formerly performed by the 1977 fund advisory committee, and specified that any references to the 1977 fund advisory committee remaining in the Indiana Code should be treated after June 30, 2011, as references to the new public retirement system board. This SECTION amends IC 36-8-7.5-13.2, which still includes several references to the 1977 fund advisory committee, to replace the references to the 1977 fund advisory committee with references to the board of trustees of the Indiana public retirement system.	Upon passage	Peggy Piety, LSA attorney
216.	36-8-8-8	Conflict resolution. IC 36-8-8-8 was amended in 2011 by two acts, SEA 12 [P.L.13-2011] and SEA 76 [P.L.16-2011]. Consequently, the Indiana Code now contains not one but two versions of IC 36-8-8-8. The two versions are substantively and technically compatible, so this SECTION merges the two	Upon passage	

versions into one so that the Indiana Code can again contain only a single version of IC 36-8-8-8. This SECTION also replaces references to "the PERF board" in IC 36-8-8-8 with "the system board". IC 5-10.5-7-2 provides that, as of July 1, 2011, all powers and duties of the board of trustees of the public employees' retirement fund (PERF) are transferred to or assumed by the board of trustees of the Indiana public retirement system, and IC 36-8-8-4 provides that, within the chapter IC 36-8-8, the board of trustees of the Indiana public retirement system is referred to as "the system board".

217.	36-8-8-13.1	Conflict resolution. IC 36-8-8-13.1 was amended in 2011 by two acts, SEA 12 [P.L.13-2011] and SEA 549 [P.L.23-2011]. Consequently, the Indiana Code now contains not one but two versions of IC 36-8-8-13.1. The two versions are substantively and technically compatible, so this SECTION merges the two versions into one so that the Indiana Code can again contain only a single version of IC 36-8-8-13.1.	Upon passage	
218.	36-8-8-19	Missing "the". The following language appears in subsection (f) of IC 36-8-8-19: "shall send the following to Indiana public retirement system". This SECTION amends IC 36-8-8-19 by inserting "the" into subsection (f), making the text read: "shall send the following to <u>the</u> Indiana public retirement system".	Upon passage	Peggy Piety, LSA attorney [brought problem to OCR's attention]
219.	36-8-16.5-51	Slight revision recognizing different preposition. In subsection (c) of IC 36-8-16.5-51, the line preceding subdivisions (1) through (3) reads: " ... PSAPs are operated <u>by</u> :". The preposition "by" fits the text of subdivision (1) (which reads: "a state educational institution") and subdivision (2) (which reads: "an airport authority ..."). However, the subdivision (3) added in 2011 reads: " <u>in</u> a county... ". This SECTION amends IC 36-8-16.5-51(c) by removing the preposition "by" from the end of the line preceding the subdivisions and inserting "by" at the beginning of subdivision (1) and subdivision (2), making the text to read as follows: " ... PSAPs are operated: (1) <u>by</u> a state educational institution; (2) <u>by</u> an airport authority ... ; or (3) " <u>in</u> a county... "	Upon passage	

(3) AMENDMENTS TO NON-CODE SECTIONS:

None.

(4) REPEALERS OF NON-CODE SECTIONS:

220. P.L.73-2008, SECTION 1, as amended by P.L.229-2011, SECTION 278, can be repealed because its text has been correctly codified as IC 12-15-1.3-15.

(5) EMERGENCY CLAUSE:

221. **An emergency is declared for this act.**